

In the Matter Of:

AMERICAN COUNCIL OF THE BLIND OF IN, ET AL.

-v-

IN ELECTION COMMISSION, ET AL.

Seth Cooper

January 18, 2022

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	THEIR OFFICIAL CAPACITIES,)			
)			
	Defendants.)			
	The videoconferenced deposition upon oral			
	examination of SETH COOPER, a witness produced and			
	sworn remotely by me, Michele K. Gustafson, CRR-RPR,			
	Notary Public in and for the County of Marion,			
	State of Indiana, taken on behalf of the Plaintiffs,			
	on January 18, 2022, at 1:07 p.m., pursuant to the			
	Federal Rules of Civil Procedure.			
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<p style="text-align: right;">Page 5</p> <p>1 THE REPORTER: My name is Michele Gustafson, 2 an associate of Stewart Richardson Deposition 3 Services, located at One Indiana Square, 4 Suite 2425, Indianapolis, Indiana. Today's date is 5 January 18, 2022. The time is 1:07 p.m. This 6 deposition is being held via Zoom. The deponent's 7 name is Seth Cooper. 8 Will counsel please identify themselves and 9 any persons present with you for the record. 10 MS. BRANDT-YOUNG: Christina Brandt-Young, 11 Disability Rights Advocates, for the plaintiffs. 12 MR. CRISHON: Tom Crishon, Indiana Disability 13 Rights, for the plaintiffs. 14 MR. ADAMS: Sam Adams, Indiana Disability 15 Rights, for the plaintiffs. 16 MS. KOVIC: Jelena Kolic, Disability Rights 17 Advocates, for the plaintiffs. 18 MS. BICHELL: Rosa Lee Bichell, 19 Disability Rights Advocates, for the plaintiffs. 20 MS. ABSHIRE: Courtney Abshire, Office of the 21 Indiana Attorney General, for Defendants. 22 MR. FLAHERTY: This is Dan Flaherty from 23 Godfrey & Kahn on behalf of the witness. 24 THE REPORTER: Mr. Cooper, if you can raise 25 your right hand for me, please.</p>	<p style="text-align: right;">Page 7</p> <p>1 of the attorneys with Disability Rights Advocates 2 here for the plaintiffs in this case, the 3 American Council of the Blind of Indiana and three 4 individuals. Thank you for being here today. We 5 appreciate it. 6 A Sure. 7 Q Great. There are a bunch of sort of rules of 8 depositions that I wanted to remind you of before 9 we get started. Things like when I ask you a 10 question, you need to give a verbal answer. The 11 purpose of today's meeting is to have the court 12 reporter write down what you say and she can't 13 really record nods of the head or shakes of the 14 head. Does that make sense? 15 A Yes. 16 Q Great. Likewise, we will do our best not to talk 17 at the same time as each other. Again, that makes 18 it hard for the court reporter to write things 19 down. Does that make sense? 20 A Yes. 21 Q Great. If I ask you a question and you don't 22 understand what it is that I'm asking you for, 23 please tell me. I am very, very happy to rephrase 24 questions so that you understand what I'm trying to 25 ask you. Is that okay?</p>
<p style="text-align: right;">Page 6</p> <p>1 SETH COOPER 2 having been first duly sworn to tell the truth, the 3 whole truth, and nothing but the truth took the stand 4 and testified as follows: 5 THE WITNESS: Yes. 6 MS. BRANDT-YOUNG: All right. Are we ready to 7 proceed? 8 THE REPORTER: Yes. 9 MR. FLAHERTY: I think so. 10 MS. BRANDT-YOUNG: Great. Courtney, you had 11 something you wanted to put on the record? 12 MR. FLAHERTY: Yes. As long as no one has any 13 objections, Defendants would just like to simply 14 adopt all objections raised by non-party counsel 15 for the purpose of cleanliness of the record and 16 for not interrupting. 17 MS. BRANDT-YOUNG: No objection from 18 Plaintiffs. 19 MR. FLAHERTY: No objection here either. 20 MS. ABSHIRE: Thanks, all. 21 MS. BRANDT-YOUNG: Great. 22 DIRECT EXAMINATION 23 BY MS. BRANDT-YOUNG: 24 Q So, Mr. Cooper, hello. My name is 25 Christina Brandt-Young. As you've heard, I'm one</p>	<p style="text-align: right;">Page 8</p> <p>1 A Yes. 2 Q Great. Finally if you want to take a break at any 3 point, as long as there's not a question pending, 4 that's fine. We'll do it. If there is a question 5 pending, you'll answer it and then we'll take a 6 break. Sound good? 7 A Yes, sounds good. 8 Q Thank you. Where are you today? 9 A I'm in Chicago. 10 Q And where in Chicago are you? 11 A I live in the Edgewater area of Chicago. 12 Q So the office that you're sitting in right now, is 13 that your home office or your professional office, 14 the office of your lawyer? 15 A It's my home office. 16 Q Is there anyone else in the room with you? 17 A No. 18 Q Do you have any documents with you in the room? 19 A No. I just have my Outlook open waiting for the 20 e-mails. 21 Q Great. We're going to request that you keep that 22 computer open until Outlook gets that e-mail with 23 the deposition exhibits in it. Occasionally we'll 24 ask you to open a deposition exhibit so that you 25 can scroll through it and make sure that you know</p>

<p style="text-align: right;">Page 9</p> <p>1 what it is. We're asking you to not look at any 2 other documents today during the course of your 3 deposition except those that we're discussing out 4 loud on the record. Does that make sense? 5 A Yes. 6 Q Can you do that for me, please. Make sure that you 7 don't look at any other documents. 8 A Yes. I don't have any documents with me. 9 Q And not on the computer either? 10 A Correct. 11 Q Perfect. All right. Have you ever had your 12 deposition taken before? 13 A Once before. 14 Q What kind of case was that? 15 A It was a lawsuit from when I worked at a bar. 16 Q Were you a witness or a party? 17 A I was a witness. 18 Q And what was the case about? 19 A An individual had walked into a room and a helium 20 tank had fallen on their toe. 21 Q So do you understand that today you are testifying 22 under oath the same way you would if we were in 23 court with a judge? 24 A Yes. 25 Q During the deposition, as we've already mentioned,</p>	<p style="text-align: right;">Page 11</p> <p>1 yourself and probably I'll ask you to repeat 2 yourself a lot. Again, it's for the purpose of 3 helping me understand. Is that okay? 4 A Yes. 5 Q I'm asking you today for your best recollection in 6 response to my questions. If you don't remember 7 the exact words of a conversation but you can still 8 remember the gist of it, I'll expect you to give me 9 the gist and the substance of what was said. Will 10 you do that? 11 A Yes. 12 Q You shouldn't guess about anything and you 13 shouldn't speculate about anything, but I also am 14 entitled to the best estimate that you can give. 15 Usually the example that we use around this is if I 16 ask you to estimate the length of the table where 17 you're sitting, you have a basis for providing that 18 estimate and you should do your best to give that 19 length. If I ask you for an estimate of the length 20 of the table where I'm sitting, you don't have any 21 basis for that and so you can't answer the 22 question. Will you give me your best estimate when 23 you have a basis for one? 24 A Yes. 25 Q Thank you. If at any time during this deposition</p>
<p style="text-align: right;">Page 10</p> <p>1 I'll be showing you some documents today. We will 2 do our best to make sure that it's clear which one 3 we're asking for. I will use the screen share 4 function so you can see which one I mean, but we 5 also expect that hopefully the e-mail with the 6 exhibits will come in and that you can open them on 7 your own computer as well so that you can 8 manipulate them. So, in short, let us know when 9 that e-mail comes in. 10 Let's see. What type of device are you using? 11 A I'm using it's an EliteBook laptop. 12 Q Are you using any other devices to participate in 13 this deposition? 14 A No. 15 Q Likewise, we're going to ask please don't look at 16 any texts or anything like that. 17 Sometimes during this deposition I'm going to 18 interrupt you. It's going to be rude and I 19 apologize for it. The purpose is usually it's for 20 the purpose of saving time. If you say something 21 that I don't understand, it's usually most 22 efficient for me to break in and ask you to clarify 23 something. Is that okay? 24 A Yes. 25 Q Likewise, sometimes I'm going to ask you to repeat</p>	<p style="text-align: right;">Page 12</p> <p>1 you remember something about a question that I 2 asked you before and you want to add to your prior 3 answer, please, please do. That's perfectly fine. 4 Okay? 5 A Okay. 6 Q If at any point if you're having any issues with 7 the audio, please speak up. Sometimes these online 8 depositions can have internet glitches, and we 9 want, again, a good clear record and we don't want 10 to waste your time. So if there's something that 11 you're not hearing, please speak up. Okay? 12 A Okay. 13 Q Great. Is there any reason you can't give full, 14 complete, and accurate testimony today? 15 A No. 16 Q No medications, no injuries, nothing like that? 17 A No medications, no injuries. 18 Q Okay. So can you tell us the title of your current 19 position and where you work? 20 A The title of my current position is senior manager 21 at Baker Tilly. 22 Q How long have you worked at Baker Tilly? 23 A Just under seven years. 24 Q What was the first title that you had with 25 Baker Tilly?</p>

<p style="text-align: right;">Page 13</p> <p>1 A Manager.</p> <p>2 Q And can you give us a high-level description of</p> <p>3 your responsibilities with that title?</p> <p>4 A The high-level description is really like a client</p> <p>5 success manager and managing the engagement which</p> <p>6 is specific to the description of activities and</p> <p>7 deliverables that were contracted for our clients.</p> <p>8 Q And what was your next title after that?</p> <p>9 A It was experience manager.</p> <p>10 Q When did that happen?</p> <p>11 A After my year anniversary at Baker Tilly.</p> <p>12 Q So sometime in 2016?</p> <p>13 A Correct.</p> <p>14 Q Give us a high-level summary of your job</p> <p>15 responsibilities in that title, please.</p> <p>16 A So the job responsibilities don't vary as much from</p> <p>17 title to title as much as our different involvement</p> <p>18 of internal activities and the scale of clients</p> <p>19 that we serve.</p> <p>20 Q So how was your work as an experience manager</p> <p>21 different from your work as a manager?</p> <p>22 A My responsibilities weren't different.</p> <p>23 Q Okay.</p> <p>24 A I may have done a few more internal initiatives.</p> <p>25 Q And what was your next title with Baker Tilly?</p>	<p style="text-align: right;">Page 15</p> <p>1 access?</p> <p>2 A No.</p> <p>3 Q What about with the State of Indiana? Does any</p> <p>4 aspect of your work with them relate to disability</p> <p>5 access?</p> <p>6 A Not with disability access. Or can I ask you to</p> <p>7 clarify disability access? I'm not familiar with</p> <p>8 that term.</p> <p>9 Q Making sure that people with disabilities have the</p> <p>10 same access to information, communication, and</p> <p>11 participation in programs as people without</p> <p>12 disabilities.</p> <p>13 A No, not with that clarification.</p> <p>14 Q Okay. So what makes you qualified to be a senior</p> <p>15 manager at Baker Tilly?</p> <p>16 A My background is in business analysis and project</p> <p>17 management.</p> <p>18 Q What's the highest level of education that you have</p> <p>19 done?</p> <p>20 A Graduate degree.</p> <p>21 Q In what?</p> <p>22 A It was a master's of science in project management.</p> <p>23 Q Do you have any training related to disability</p> <p>24 access?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 14</p> <p>1 A Senior manager.</p> <p>2 Q When did that happen?</p> <p>3 A About three years ago.</p> <p>4 Q So around September of 2019?</p> <p>5 A Approximately, yes.</p> <p>6 Q What are the major responsibilities of the title</p> <p>7 that you have now?</p> <p>8 A Same responsibilities as before but more coaching</p> <p>9 junior consultants, more internal initiatives, and</p> <p>10 different client engagements.</p> <p>11 Q So aside from your work with the State of Indiana,</p> <p>12 do you have any experience or responsibilities that</p> <p>13 relate to elections with any other clients?</p> <p>14 A No.</p> <p>15 Q Do you have any duties aside from those with</p> <p>16 Indiana that are related to disability access?</p> <p>17 A Can you clarify the question?</p> <p>18 Q Is disability access one of the subject areas that</p> <p>19 you work in in your job?</p> <p>20 A Can you clarify job? Do you mean at the State of</p> <p>21 Indiana or my role at Baker Tilly?</p> <p>22 Q In your role at Baker Tilly. Thank you, by the</p> <p>23 way. I want you to clarify what the question is</p> <p>24 with me, so thank you. In your job at Baker Tilly</p> <p>25 do you have any duties that relate to disability</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Do you have any training related to election</p> <p>2 modernization or elections generally?</p> <p>3 A Can you clarify training?</p> <p>4 Q Have you ever taken a course or engaged in any</p> <p>5 formal classroom-type education, even if it's only</p> <p>6 for one day, around elections and making sure that</p> <p>7 they are run well?</p> <p>8 A Yes.</p> <p>9 Q Describe that for me, please.</p> <p>10 A Approximately every year -- I think there's one</p> <p>11 year off in a four-year cycle -- our client, the</p> <p>12 Indiana Election Division, will host a two- to</p> <p>13 two and a half-day conference and we sit in that</p> <p>14 conference and participate.</p> <p>15 Q Have you ever engaged in any education that</p> <p>16 specifically combined the topics of disability and</p> <p>17 elections?</p> <p>18 A Can you ask that question again?</p> <p>19 Q Have you ever participated in any educational</p> <p>20 programs that combined elections and disability?</p> <p>21 A Yes.</p> <p>22 Q When was that?</p> <p>23 A I don't recall the exact date, but our last time</p> <p>24 participating was sometime in the last six months.</p> <p>25 Q Participating in what?</p>

<p style="text-align: right;">Page 17</p> <p>1 A Indiana has a program called CEATS, C-E-A-T-S, 2 that's run by a different entity and from time to 3 time they will ask us to participate on a one-hour 4 presentation. 5 Q And when was the most recent time that you 6 participated in a CEATS program? 7 A I don't recall the exact time frame, but I believe 8 it was about six months ago. 9 Q Who from Baker Tilly participated in that? 10 A I did. 11 Q Did you make a presentation? 12 A Yes. 13 Q Did that presentation involve any materials that 14 you produced? 15 A Yes. 16 Q What was the presentation about? 17 A The CEATS program audience are county clerks and 18 their staff, and so the Indiana Election Division 19 had asked us to include a high-level overview of 20 the voter registration system and to discuss some 21 upcoming projects. 22 MS. BRANDT-YOUNG: All right. So, 23 Mr. Flaherty, we're going to request all documents 24 associated with that presentation. 25 MR. FLAHERTY: We'll take that request under</p>	<p style="text-align: right;">Page 19</p> <p>1 of both. 2 Q I just want to make sure that I understood you. 3 Remember I told you I'd be making you repeat 4 yourself. Here we are, twenty minutes 5 in (laughing). So two-factor authentication was 6 one of the topics of your presentation; is that 7 right? 8 A Correct. Cybersecurity as a general theme. 9 Q Yes. And is there anything in the projects that 10 Baker Tilly manages for the State of Indiana 11 related to voting that already has two-factor 12 authentication in it? 13 A Yes. 14 Q And what is that? 15 A The voter registration portal and the public voter 16 portal. 17 Q What's the difference between the voter 18 registration portal and the public voter portal? 19 A So the voter registration portal refers to what we 20 refer to as SVRS, so the Statewide Voter 21 Registration System. That's only accessed by 22 county users. The public voter portal is where 23 voters visit to register to vote or download forms 24 or any other types of online transactions. 25 Q Can a voter register to vote for the first time</p>
<p style="text-align: right;">Page 18</p> <p>1 advisement. 2 MS. BRANDT-YOUNG: Thank you. 3 Q How was disability related to that presentation or 4 how was it incorporated in that presentation? 5 A I don't recall because our presentation didn't 6 include that as a topic but we've seen that in the 7 agenda but we don't stay for the whole 8 presentation. 9 Q And what were the upcoming projects that you 10 presented to the county clerks during that 11 presentation? 12 A I don't recall the exact projects, but I recall a 13 theme of some of the latest cybersecurity projects 14 that were being rolled out. 15 Q Can you give us some examples? 16 A An example would be, like, two-factor 17 authentication, so a code is sent to your e-mail 18 and then you enter it into an application to 19 confirm your identity. 20 Q What is two-factor identification expected to be 21 incorporated into that it's not already in? 22 A So two-factor authentication is a recurring 23 cybersecurity topic, and since there were new 24 individuals there representing the counties we also 25 discussed some past projects too. So it's a blend</p>	<p style="text-align: right;">Page 20</p> <p>1 using the public voter portal? 2 A Yes, I believe so. 3 Q And when the voter puts the information into the 4 public voter portal, that information gets moved to 5 the voter registration portal, the SVRS, so that 6 county officials can use it; is that correct? 7 A Yes, that's my understanding. 8 Q So the public voter portal has a web interface. Do 9 I have that right? 10 A Yes. 11 Q Does the SVRS have a web portal that is available 12 to the county elections officials, just not to the 13 public? 14 A Can you clarify your question? I'm trying to 15 understand if you're referring to SVRS, the 16 Statewide Voter Registration System, or 17 IndianaVoters, the public portal. 18 Q Well, so let us note right now you are a computer 19 expert, which I'm very happy about, and I am not, 20 so you should feel free to explain some of these 21 background concepts to me as frequently as you 22 would like. Please feel free to do that. Are the 23 public voter portal and indianavoters.com the same 24 thing? 25 A They are not.</p>

<p style="text-align: right;">Page 21</p> <p>1 Q Ah, okay. What's the difference?</p> <p>2 A IndianaVoters is a public interface that anyone</p> <p>3 here could access. The Statewide Voter</p> <p>4 Registration System has significantly more security</p> <p>5 and requires specific and authorized access so that</p> <p>6 only county users can access that voter</p> <p>7 registration portal.</p> <p>8 Q So indianavoters.com is the public interface of the</p> <p>9 public voter portal; is that correct?</p> <p>10 A IndianaVoters is the public voter registration</p> <p>11 website.</p> <p>12 Q I agree, or at least I feel like I got that part.</p> <p>13 Sorry. Did I interrupt you? Were you about to go</p> <p>14 on?</p> <p>15 A No.</p> <p>16 Q When we talk about the public voter portal, does</p> <p>17 that consist of anything other than the public</p> <p>18 interface on indianavoters.com?</p> <p>19 A No.</p> <p>20 Q Great. And, meanwhile, if someone enters</p> <p>21 information into indianavoters.com to register to</p> <p>22 vote, that information is going to move over to</p> <p>23 SVRS; is that correct?</p> <p>24 A That's correct. That's my understanding.</p> <p>25 Q And is it fair to say that county officials can</p>	<p style="text-align: right;">Page 23</p> <p>1 are?</p> <p>2 A It was informing counties of existing functionality</p> <p>3 in SVRS and approximately when those activities</p> <p>4 occur.</p> <p>5 Q Why does a county election official need that</p> <p>6 information?</p> <p>7 A County election officials need to know how to use</p> <p>8 the application in order to fulfill the</p> <p>9 responsibilities for whatever their role is.</p> <p>10 Q So just so I understand properly. It sounds like</p> <p>11 your presentation was on the CEATS agenda for the</p> <p>12 day; right?</p> <p>13 A Correct.</p> <p>14 Q And it sounds like there were also some</p> <p>15 disability-specific topics that were on the agenda</p> <p>16 for that day; is that right?</p> <p>17 A That's what I recall, correct.</p> <p>18 Q You didn't actually attend those</p> <p>19 disability-specific provisions. Do I understand</p> <p>20 that correctly?</p> <p>21 A Correct. I did not attend any session other than</p> <p>22 what we were presenting.</p> <p>23 Q Do you know if anyone at Baker Tilly attended any</p> <p>24 sessions other than what you all were presenting?</p> <p>25 A No one at Baker Tilly attended a different session.</p>
<p style="text-align: right;">Page 22</p> <p>1 access the information in SVRS through an interface</p> <p>2 of their own but the access to that is far more</p> <p>3 restricted so few people will be able to use the</p> <p>4 web to get into it?</p> <p>5 A Correct, that's my understanding.</p> <p>6 Q Excellent. Okay. I feel like I got it. So</p> <p>7 between the public voter portal and the voter</p> <p>8 registration portal, currently is two-factor</p> <p>9 authentication required to access anything in</p> <p>10 either of those places?</p> <p>11 A So multi-factor authentication is required for the</p> <p>12 Statewide Voter Registration System and its users.</p> <p>13 Two-factor authentication is optional for voters</p> <p>14 accessing IndianaVoters.</p> <p>15 Q You were giving this presentation at the CEATS</p> <p>16 conference recently in order to preview some</p> <p>17 upcoming projects. Will multi-factor</p> <p>18 authentication be added to any other features of</p> <p>19 either of these systems in the future?</p> <p>20 A I don't know.</p> <p>21 Q What were some of the other topics of your</p> <p>22 presentation?</p> <p>23 A I don't recall exactly, other than another theme</p> <p>24 was maintenance activities.</p> <p>25 Q Can you explain for us what maintenance activities</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Okay. Thank you. What did you do to prepare for</p> <p>2 today's deposition?</p> <p>3 A I met with Dan and we discussed general guidelines</p> <p>4 for depositions and he asked a few questions and I</p> <p>5 provided answers.</p> <p>6 Q Did you review any documents in preparation for</p> <p>7 today's deposition?</p> <p>8 A Yes, we did.</p> <p>9 Q Which ones?</p> <p>10 A We reviewed what I referred to as a scoping matrix</p> <p>11 and a document that had open questions and then a</p> <p>12 few e-mail based correspondence.</p> <p>13 MS. BRANDT-YOUNG: All right. So,</p> <p>14 Mr. Flaherty, to the extent that those documents</p> <p>15 don't come out during today's deposition, we</p> <p>16 request them.</p> <p>17 MR. FLAHERTY: I'll represent to you that the</p> <p>18 only documents he was shown in his prep were</p> <p>19 documents that were previously produced to you in</p> <p>20 response to the subpoena.</p> <p>21 MS. BRANDT-YOUNG: Thank you. That's helpful.</p> <p>22 Q Did you meet with anyone else to prepare for</p> <p>23 today's deposition?</p> <p>24 A No.</p> <p>25 Q How many hours did you spend meeting with your</p>

<p style="text-align: right;">Page 25</p> <p>1 counsel?</p> <p>2 A I don't recall the exact amount without looking at</p> <p>3 my calendar but approximately an hour and a half.</p> <p>4 MR. FLAHERTY: I typically would say time</p> <p>5 flies when you're having fun (smiling).</p> <p>6 MS. BRANDT-YOUNG: I'm sure (laughing).</p> <p>7 Could we just do a quick check? Have any</p> <p>8 exhibits appeared in your e-mail account?</p> <p>9 THE WITNESS: Yes. I received four e-mails.</p> <p>10 MS. BRANDT-YOUNG: Oh, good. Thank you both</p> <p>11 very much.</p> <p>12 Q All right. So when did Baker Tilly first enter</p> <p>13 into a contract with the Indiana Secretary of</p> <p>14 State, Indiana Election Division, or the Indiana</p> <p>15 Election Commission for services related to voting?</p> <p>16 A Approximately 2003.</p> <p>17 Q What was the subject matter of that contract?</p> <p>18 A The subject matter was a result of the State of</p> <p>19 Indiana needing to consolidate multiple county</p> <p>20 systems into a single statewide voter registration</p> <p>21 system as a result of the Help America Vote Act.</p> <p>22 Q How did Baker Tilly help with that?</p> <p>23 A Baker Tilly helped to develop a RFP, request for</p> <p>24 proposal, and the administration of that RFP.</p> <p>25 Q Who won that RFP?</p>	<p style="text-align: right;">Page 27</p> <p>1 Q So if you know, Indiana still has a contract with</p> <p>2 Civix about the SVRS today; is that correct?</p> <p>3 A That's correct based on the last time I had seen a</p> <p>4 contract, correct.</p> <p>5 Q Does the State contract directly with Civix or do</p> <p>6 they do it through Baker Tilly?</p> <p>7 A The State does not contract through Baker Tilly for</p> <p>8 Civix.</p> <p>9 Q So if you know, after 2003 did the State of</p> <p>10 Indiana, specifically the divisions that work on</p> <p>11 voting, enter into any additional contracts with</p> <p>12 Baker Tilly after that around their voting</p> <p>13 services?</p> <p>14 A I do not know.</p> <p>15 Q When is the first contract between Baker Tilly and</p> <p>16 the State of Indiana related to voting that you can</p> <p>17 remember?</p> <p>18 A So I know that Baker Tilly won the initial contract</p> <p>19 where we wrote the RFP and then I have a gap of</p> <p>20 knowledge from that point until the first time that</p> <p>21 I started at Baker Tilly.</p> <p>22 Q What's the first contract that you remember between</p> <p>23 Baker Tilly and the State related to voting from</p> <p>24 when you started?</p> <p>25 A It would be back when I started in 2015.</p>
<p style="text-align: right;">Page 26</p> <p>1 A Would you like the former name of that entity or</p> <p>2 the current name?</p> <p>3 Q You can give me both. Thank you.</p> <p>4 A The entity that won that RFP was Quest, and their</p> <p>5 current name is Civix, C-i-v-i-x.</p> <p>6 Q And what did Civix do as a result of winning that</p> <p>7 RFP?</p> <p>8 A So I can only reference what I believe occurred,</p> <p>9 just because I was not around back then, but they</p> <p>10 implemented a system based on requirements that</p> <p>11 were approved from the Indiana Election Division.</p> <p>12 Q A system for what?</p> <p>13 A For counties to use. Civix implemented the</p> <p>14 Statewide Voter Registration System.</p> <p>15 Q Why was Civix the contractor that was selected?</p> <p>16 A I do not know.</p> <p>17 Q Is it fair to say that the State of Indiana has had</p> <p>18 contracts with Baker Tilly and Civix ever since in</p> <p>19 order to continue running the SVRS?</p> <p>20 A May I ask if you can ask one of those questions</p> <p>21 maybe first? Because otherwise I think I wouldn't</p> <p>22 be able to give a right answer.</p> <p>23 Q Okay. Is Civix still working on the SVRS?</p> <p>24 A Civix is the system administrator of SVRS</p> <p>25 currently, correct.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q What was the subject matter of that contract?</p> <p>2 A It was to provide project management services.</p> <p>3 Q What was the project?</p> <p>4 A There's always a variation of projects. So it's</p> <p>5 not one specific project, it's a set of services.</p> <p>6 Q Great. Can you tell us about the services, please.</p> <p>7 A Yeah. So our services are that we are project</p> <p>8 coordinators and so we track statuses across</p> <p>9 activities and we take the system designs from</p> <p>10 Civix and facilitate reviews with the State.</p> <p>11 Q Is Baker Tilly's work always related to Civix?</p> <p>12 A No.</p> <p>13 Q What are some of the things that Baker Tilly</p> <p>14 oversees for the State that do not involve Civix?</p> <p>15 A Currently?</p> <p>16 Q Ever since you arrived there at 2015.</p> <p>17 A There have been some projects that are outside of</p> <p>18 the Statewide Voter Registration System, so those</p> <p>19 types of projects wouldn't involve Civix.</p> <p>20 Q Can you give some examples of some of those</p> <p>21 projects that you can remember since 2015?</p> <p>22 A Yeah. One of them was a documentation-based review</p> <p>23 where we reviewed a report and extracted data from</p> <p>24 the report and then completed some analysis and</p> <p>25 provided that back to the State.</p>

<p style="text-align: right;">Page 29</p> <p>1 Q What was the report about?</p> <p>2 A It was regarding usage of funds that the State of</p> <p>3 Indiana had used that were distributed to Indiana</p> <p>4 by the Election Assistance Commission.</p> <p>5 Q And can you give another example of a project that</p> <p>6 Baker Tilly has overseen that did not involve Civix</p> <p>7 that was related to voting in Indiana?</p> <p>8 A Another one was -- I can't recall without having</p> <p>9 more of my own documentation.</p> <p>10 Q That's fine. Is it fair to say that, as far as you</p> <p>11 know, Baker Tilly has had contracts with the</p> <p>12 State of Indiana more or less continuously since</p> <p>13 about 2003?</p> <p>14 A I believe that to be true.</p> <p>15 Q I'm sorry. Can you say that again?</p> <p>16 A Yes, I believe that to be true.</p> <p>17 Q Thank you. Roughly how often does a new contract</p> <p>18 get signed?</p> <p>19 A Every two years.</p> <p>20 Q What's the value of those contracts on average?</p> <p>21 A I wouldn't be able to provide an average because it</p> <p>22 depends on what services are included for that</p> <p>23 contract.</p> <p>24 Q That's fair. Can you give a range? Can you think</p> <p>25 of the lowest one you can recall and the highest</p>	<p style="text-align: right;">Page 31</p> <p>1 MR. FLAHERTY: Object to the form of the</p> <p>2 question.</p> <p>3 You can answer if you're able, Seth.</p> <p>4 THE WITNESS: Okay.</p> <p>5 A Can you repeat the question?</p> <p>6 Q Sure. Who at the Indiana Secretary of State's</p> <p>7 office do you think would know the most about</p> <p>8 Baker Tilly's work with Indiana as relates to</p> <p>9 elections?</p> <p>10 A Currently at the Secretary of State's office?</p> <p>11 Q Sure.</p> <p>12 A Probably Jay Phelps.</p> <p>13 Q Is there anyone at the Indiana Election Division</p> <p>14 who, in your opinion, would be knowledgeable about</p> <p>15 Baker Tilly's work with the State of Indiana as it</p> <p>16 relates to elections?</p> <p>17 A Yes. Brad King.</p> <p>18 Q All right. So we previously talked about Civix and</p> <p>19 how they helped the State of Indiana develop the</p> <p>20 SVRS pursuant to an RFP in approximately 2003,</p> <p>21 2004. Is it your understanding that Civix has had</p> <p>22 contracts with the State of Indiana about the SVRS</p> <p>23 ever since then?</p> <p>24 A That's my understanding, but you would have to ask</p> <p>25 Civix that question.</p>
<p style="text-align: right;">Page 30</p> <p>1 one you can recall?</p> <p>2 A Sure. Approximately \$700,000 to \$1.5 million for a</p> <p>3 two-year period.</p> <p>4 Q Does Baker Tilly have particular expertise in</p> <p>5 voting?</p> <p>6 A No.</p> <p>7 Q Does Baker Tilly have particular expertise in</p> <p>8 disability?</p> <p>9 A No.</p> <p>10 Q Does Baker Tilly have particular expertise in</p> <p>11 disability access?</p> <p>12 A No.</p> <p>13 Q Does Baker Tilly have particular expertise in IT</p> <p>14 security?</p> <p>15 A The firm Baker Tilly may.</p> <p>16 Q Does that expertise ever come into play in its work</p> <p>17 for Indiana as relates to voting?</p> <p>18 A No.</p> <p>19 Q And for work that's been done since about 2019, who</p> <p>20 at Baker Tilly knows the most about Baker Tilly's</p> <p>21 work on Indiana and elections?</p> <p>22 A I would.</p> <p>23 Q Who at the Secretary of State's office would know</p> <p>24 the most about Baker Tilly's work with Indiana on</p> <p>25 election matters?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Are you aware of any other contracts on subjects</p> <p>2 other than the SVRS between Civix and the State of</p> <p>3 Indiana as relates to voting?</p> <p>4 A I'm not sure. You would have to ask Civix that</p> <p>5 question.</p> <p>6 Q So what purpose does Civix serve for the State of</p> <p>7 Indiana that BT doesn't?</p> <p>8 A Civix is the administrators of the Statewide Voter</p> <p>9 Registration System, so they do the specific</p> <p>10 development of the application; they work with the</p> <p>11 State on providing help desk services to counties,</p> <p>12 proficiency management, which is training sessions</p> <p>13 to county users; and management of the</p> <p>14 IndianaVoters public portal. Baker Tilly helps</p> <p>15 track the different tasks that both Civix and the</p> <p>16 State have to take and we meet with both entities</p> <p>17 to regularly track that status and raise any</p> <p>18 potential cost schedule or issues that come along</p> <p>19 in the form of projects or system readiness</p> <p>20 activities.</p> <p>21 Q I just want to ask a question about what you said.</p> <p>22 You said that Civix does the development for SVRS;</p> <p>23 is that right?</p> <p>24 A Correct.</p> <p>25 Q What does that mean?</p>

<p style="text-align: right;">Page 33</p> <p>1 A It's coding the application for any changes or 2 enhancements.</p> <p>3 Q If you know, how often do changes to the public 4 portal come up that Civix has to deal with?</p> <p>5 A Approximately two times a year, but it can be more 6 frequent if the State authorizes -- I don't want to 7 call it an emergency release -- an expedited 8 release that doesn't fit within the normal 9 schedule.</p> <p>10 Q Well, and the question that I just asked you was 11 limited to the public portal, but it sounds like 12 Civix drafts code and develops things far beyond 13 the public portal; is that correct?</p> <p>14 A Correct.</p> <p>15 Q So if we expand the question out, how often does 16 Civix end up coding anything for the State of 17 Indiana as relates to voting?</p> <p>18 A It's the same answer. It's approximately two times 19 a year, unless there's approval for a release in 20 between the normal two cycles.</p> <p>21 Q To your understanding, what expertise does Civix 22 have in voting?</p> <p>23 A I can't -- I wouldn't know that. I'd suggest 24 asking Civix that question.</p> <p>25 Q Are you aware of any disability expertise that</p>	<p style="text-align: right;">Page 35</p> <p>1 A I know they have a security team at the firm, but I 2 do not know what the capabilities are.</p> <p>3 Q If you know, does Civix have a product that they 4 have developed that is a single platform for 5 end-to-end election administration?</p> <p>6 A I'm aware of a platform, but I don't know more than 7 having general awareness that they have a product 8 that is not in use in Indiana.</p> <p>9 Q Is there any part of that platform that's in use in 10 Indiana?</p> <p>11 A I don't know. You would have to ask Civix that 12 question.</p> <p>13 Q So is it fair to say that, as far as you know, 14 Civix assists Indiana with voter registration but 15 not with election administration?</p> <p>16 A Can you clarify the difference between those?</p> <p>17 Q Well, so when I say voter registration, what I mean 18 is making sure that voters are registered to vote 19 and can do so online. What I'm taking with my 20 conversation with you is that Civix helps make that 21 possible, that voters in Indiana can register to 22 vote online; is that right?</p> <p>23 A That's correct.</p> <p>24 Q On the other hand, in terms of the administration 25 of elections, counting up the votes by the counties</p>
<p style="text-align: right;">Page 34</p> <p>1 Civix has?</p> <p>2 A I don't know.</p> <p>3 Q Any electronic accessibility expertise of Civix 4 that you're aware of?</p> <p>5 A Can you define accessibility expertise?</p> <p>6 Q Sure. What I meant there was that they have 7 expertise in the techniques necessary in order to 8 enable people with disabilities to use the 9 assistive technology that they use to access their 10 computers and make sure that the end product, the 11 end information can be accessed through that 12 technology. Does that make sense? Would you like 13 me to say it again?</p> <p>14 A Yes. I'm aware that Civix has development 15 capabilities to code the application in a manner 16 that meets the WCAG guidelines, but I don't know if 17 that refers to accessibility expertise or not.</p> <p>18 Q I think we should say yes (smiling). That's just 19 my opinion, which obviously we can't cite in court. 20 But are you aware of anything else that Civix can 21 do to help people with disabilities access their 22 computers?</p> <p>23 A I don't know.</p> <p>24 Q Are you aware of any expertise that Civix has in 25 information technology security?</p>	<p style="text-align: right;">Page 36</p> <p>1 and transmitting those vote counts to the State, 2 are you aware of Civix having any contracts or 3 responsibilities like that in Indiana?</p> <p>4 A Not described in that way, no.</p> <p>5 Q In your opinion, who at Civix knows the most about 6 the contracts that Indiana has with Civix as 7 relates to elections?</p> <p>8 A I believe that would be Sean Fahey.</p> <p>9 Q Who at Baker Tilly knows the most about Civix's 10 contracts with Indiana as relate to voting?</p> <p>11 A It would be a combination of myself and John Runte.</p> <p>12 Q Can you spell that last name for me, please.</p> <p>13 A Runte, R-u-n-t-e.</p> <p>14 Q And have you ever heard of a company called SPR?</p> <p>15 A Yes.</p> <p>16 Q Who are they?</p> <p>17 A SPR is a consulting-based organization that 18 Baker Tilly has partnered with for another 19 initiative. That's as much as I am familiar about 20 at least the company profile.</p> <p>21 Q What kinds of services do they provide?</p> <p>22 A I know they provide testing services, but I'm not 23 sure if they provide additional services outside of 24 that.</p> <p>25 Q When they provide testing services, what do they</p>

<p style="text-align: right;">Page 37</p> <p>1 test for?</p> <p>2 A Their approach is they have familiarity with the</p> <p>3 WCAG, which is the Web Content Authoring</p> <p>4 Guidelines, and they hire sighted and non-sighted</p> <p>5 analysts to test applications or systems and share</p> <p>6 those findings with clients.</p> <p>7 Q When they hire sighted and non-sighted analysts,</p> <p>8 are all those people expert users?</p> <p>9 A What do you mean by expert users?</p> <p>10 Q That they have a high degree of ability to test a</p> <p>11 system such that they should be paid for it, I</p> <p>12 guess.</p> <p>13 MR. FLAHERTY: I'll object to the form of the</p> <p>14 question.</p> <p>15 A Yeah, I don't know how to answer that question.</p> <p>16 Q Okay. If we set this up as a dichotomy between</p> <p>17 expert analysts and ultimate non-expert end-users,</p> <p>18 some companies will set up user testing for you so</p> <p>19 that you can find out how your program is used by</p> <p>20 people in the wild, so to speak. Are you familiar</p> <p>21 with that sort of end-user testing as opposed to</p> <p>22 expert analyst testing?</p> <p>23 A Can you clarify the difference maybe in another</p> <p>24 way?</p> <p>25 Q Sure. I'm familiar with at least two types of</p>	<p style="text-align: right;">Page 39</p> <p>1 end-user testing. Do those two ends of that</p> <p>2 spectrum make sense to you?</p> <p>3 A Yes, that makes sense. Thank you for providing</p> <p>4 that. We call the latter usability testing.</p> <p>5 Q What do you call the former?</p> <p>6 A That's a good question.</p> <p>7 Q Just testing?</p> <p>8 A Yeah, just testing is typically what we refer to</p> <p>9 that to.</p> <p>10 Q Well, I'm going to call it expert testing for our</p> <p>11 purposes today. Is it fair to say that SPR are</p> <p>12 consultants and they provide that sort of expert</p> <p>13 testing?</p> <p>14 A They have capabilities to do both.</p> <p>15 Q So if you know, is SPR working with the State of</p> <p>16 Indiana doing expert testing, usability testing, or</p> <p>17 both?</p> <p>18 A SPR is not working directly with the State of</p> <p>19 Indiana for either of those.</p> <p>20 Q Is SPR working with Baker Tilly on projects related</p> <p>21 to the State of Indiana and voting?</p> <p>22 A Not currently. SPR has worked with Baker Tilly on</p> <p>23 one testing initiative prior.</p> <p>24 Q When did that occur?</p> <p>25 A I don't know the exact timeline but approximately</p>
<p style="text-align: right;">Page 38</p> <p>1 testing of applications, in particular for digital</p> <p>2 accessibility. You can get expert analysts who</p> <p>3 know everything about computers and how to work</p> <p>4 them, including using the accessibility-related</p> <p>5 software and hardware, and ask them to test things</p> <p>6 and no matter how hard it is for them to get</p> <p>7 through they will get through. They will complete</p> <p>8 a process or find the information because those</p> <p>9 people are experts.</p> <p>10 At the other end of the spectrum there are</p> <p>11 people who are not experts, who are just typical</p> <p>12 end-users, non-expert users of a product but who</p> <p>13 would be the customers of the system if it were</p> <p>14 implemented, and some companies will set up</p> <p>15 end-user testing so that you can find out if</p> <p>16 there's a problem especially with the accessibility</p> <p>17 of your product, where do people get hung up most</p> <p>18 often, what parts are the hardest for them, what</p> <p>19 parts are the easiest, were they able to complete,</p> <p>20 for instance, a purchase or a registration and can</p> <p>21 they do so in an equivalent period of time to</p> <p>22 people who don't have disabilities, which is</p> <p>23 usually ultimately the question.</p> <p>24 So when we, the lawyers, think about this, we</p> <p>25 think of expert testing as being different from</p>	<p style="text-align: right;">Page 40</p> <p>1 2017 to 2018.</p> <p>2 Q What was the subject matter of that testing?</p> <p>3 A The IndianaVoters public voter registration portal</p> <p>4 was receiving feedback from constituents and it was</p> <p>5 based on accessibility IT-related challenges, and</p> <p>6 so SPR had conducted that testing to the WCAG</p> <p>7 standard after Civix had coded an upgrade to that</p> <p>8 public voter registration site.</p> <p>9 Q When did that contract end?</p> <p>10 A I don't recall exactly but approximately 2018.</p> <p>11 Q Is there any expectation in the present-day time</p> <p>12 frame that SPR will be asked to work on anything</p> <p>13 related to Indiana and voting?</p> <p>14 A I don't know. I would suggest asking the</p> <p>15 Election Division or Secretary of State's office.</p> <p>16 Q We did, and we're going to represent to you that</p> <p>17 they think that there's a possibility that SPR may</p> <p>18 be called in.</p> <p>19 A Okay.</p> <p>20 Q That's why I'm asking about it. Do you know</p> <p>21 anything about any present efforts or expectations</p> <p>22 or things that SPR could be called to work on in</p> <p>23 the present day?</p> <p>24 A Any new projects, we develop a statement of work</p> <p>25 with the State. Right now we're not actively</p>

<p style="text-align: right;">Page 41</p> <p>1 working on a statement of work, we don't have one</p> <p>2 in the approval process, and we're not aware of any</p> <p>3 new projects coming down the pipeline.</p> <p>4 May I add a clarification?</p> <p>5 Q Please.</p> <p>6 A When I refer to we're not aware of any projects</p> <p>7 coming down the pipeline, that refers to any</p> <p>8 projects that would involve additional statements</p> <p>9 of work or engagement with SPR.</p> <p>10 Q So just to be clear. Baker Tilly has not had any</p> <p>11 engagements with SPR since 2018?</p> <p>12 A Approximately that date when that project ended,</p> <p>13 we've not had additional work contracted with SPR,</p> <p>14 that's correct. For the State of Indiana.</p> <p>15 Q Thank you. That helps. All right. Are you</p> <p>16 familiar with Indiana Senate Enrolled Act 398?</p> <p>17 A I'm familiar generally with the name and the law,</p> <p>18 correct.</p> <p>19 Q So I'm going to call it SEA 398. Is it fair to say</p> <p>20 that one of the things that SEA 398 does is it</p> <p>21 requires the Indiana Secretary of State and Indiana</p> <p>22 Election Division to implement a voting system that</p> <p>23 complies with the Web Content Accessibility</p> <p>24 Guidelines and that mirrors what is provided in the</p> <p>25 Uniformed and Overseas Citizens Absentee Voting</p>	<p style="text-align: right;">Page 43</p> <p>1 Accessibility Guidelines in that provision is to</p> <p>2 have that system be accessible to people with print</p> <p>3 disabilities using the assistive technology that</p> <p>4 they use? Is that your understanding?</p> <p>5 A Can you clarify the question?</p> <p>6 Q Sure. Can you explain what the Web Content</p> <p>7 Accessibility Guidelines are, please.</p> <p>8 A My familiarity with the Web Content Authoring</p> <p>9 Guidelines is that it's based on an organization</p> <p>10 that's called I believe W3C and they've defined</p> <p>11 criteria and guidelines in how to assess that</p> <p>12 IT-based technologies are usable for people that</p> <p>13 utilize assistive technologies.</p> <p>14 Q And so the purpose of inserting the Web Content</p> <p>15 Accessibility Guidelines into the law is to make</p> <p>16 sure that people who have disabilities can access</p> <p>17 the voting services that other people get using the</p> <p>18 assistive technology that they use? Is that a fair</p> <p>19 assumption?</p> <p>20 A I wouldn't know the purpose of including that in</p> <p>21 legislation.</p> <p>22 Q Okay. Based on your conversations with the Indiana</p> <p>23 government on this topic, is it fair to say that</p> <p>24 they're hoping that people with disabilities will</p> <p>25 be able to vote absentee privately and</p>
<p style="text-align: right;">Page 42</p> <p>1 Acts? Are you familiar with that?</p> <p>2 A I've read that legislation, correct.</p> <p>3 Q Great. So essentially the Indiana Code 3-11-4-6</p> <p>4 sets out the procedures for what we call UOCAVA</p> <p>5 voters --</p> <p>6 MS. BRANDT-YOUNG: And, Michele, that's</p> <p>7 U-O-C-A-V-A.</p> <p>8 Q -- that section of the Indiana Code sets out the</p> <p>9 provisions for UOCAVA voting and section (k)</p> <p>10 requires the Secretary of State with the approval</p> <p>11 of the Election Division to develop a system that</p> <p>12 complies with the web content guidelines; right?</p> <p>13 A If that's what the law says, yes.</p> <p>14 Q I think what I'm doing is summarizing what I've</p> <p>15 said and what you've said there. So is it fair to</p> <p>16 say that the purpose of that provision is to enable</p> <p>17 voters with print disabilities to vote via e-mail,</p> <p>18 fax, and mail in the same way that UOCAVA voters</p> <p>19 do?</p> <p>20 A That's what our understanding of the purpose is,</p> <p>21 but I would suggest confirming that with the</p> <p>22 State of Indiana.</p> <p>23 Q That's the understanding you're operating under?</p> <p>24 A Correct, yes.</p> <p>25 Q And the reason to have the Web Content</p>	<p style="text-align: right;">Page 44</p> <p>1 independently?</p> <p>2 A I don't know what they're hoping to do.</p> <p>3 Q What is Baker Tilly's experience generally with</p> <p>4 making electronic communications and processes</p> <p>5 compliant with WCAG?</p> <p>6 A What was the last part of the question that you</p> <p>7 asked?</p> <p>8 Q What is Baker Tilly's experience generally with</p> <p>9 making electronic communications and processes</p> <p>10 compliant with WCAG?</p> <p>11 A Our experience is specific to the one initiative</p> <p>12 that we partnered with SPR on.</p> <p>13 Q And that was for the State of Indiana?</p> <p>14 A That's correct.</p> <p>15 Q Within Baker Tilly who knows about WCAG?</p> <p>16 A There are many members that are familiar with the</p> <p>17 standard.</p> <p>18 Q Are any of them working on these contracts with</p> <p>19 Indiana right now?</p> <p>20 A That would just be myself.</p> <p>21 Q On the projects that SPR worked on before, you</p> <p>22 mentioned that SPR did testing of certain</p> <p>23 election-related electronic processes. Were there</p> <p>24 any other services that were developed around</p> <p>25 accessibility in that particular contract? For</p>

<p style="text-align: right;">Page 45</p> <p>1 example, did anyone develop a policy on how to make</p> <p>2 sure that electronic communications were</p> <p>3 accessible? Was there internal testing? Was there</p> <p>4 external testing? What were the services provided?</p> <p>5 A The services provided on that contract were</p> <p>6 specifically to test what Civix had coded in the</p> <p>7 IndianaVoters public site and then SPR conducted a</p> <p>8 usability study to determine if there were any</p> <p>9 additional findings outside of what had been tested</p> <p>10 to that standard and those findings from the</p> <p>11 testing and usability study were shared back to the</p> <p>12 State of Indiana to facilitate decisions on any</p> <p>13 remaining Civix coding changes.</p> <p>14 Q So what aspects of the indianavoters.com site were</p> <p>15 tested, if you remember?</p> <p>16 A It's essentially all digital-facing components of</p> <p>17 that website, so every image and whether there's an</p> <p>18 alt tag behind the image, making sure that the</p> <p>19 IndianaVoters could be used on mobile and different</p> <p>20 desktop devices as well as different screen readers</p> <p>21 and assistive technologies. Processes generally</p> <p>22 speaking as a business process were not tested but</p> <p>23 transactional processes were tested, so any type of</p> <p>24 mouse click or submit button.</p> <p>25 Q You just differentiated transactional processes</p>	<p style="text-align: right;">Page 47</p> <p>1 I wanted to ask you: If you know, did any part of</p> <p>2 that inquiry result in either Civix or the State of</p> <p>3 Indiana coming up with specific procedures or</p> <p>4 policies for how to make sure that their web</p> <p>5 content was accessible to people with disabilities</p> <p>6 in the future?</p> <p>7 A What do you mean by procedures and policies?</p> <p>8 Q A policy is usually a written document that states</p> <p>9 how a particular objective is going to be</p> <p>10 accomplished. A procedure usually covers the same</p> <p>11 thing but it's not necessarily written down.</p> <p>12 A So the statement of work included a procedure for</p> <p>13 the testing and I recall Civix having a separate</p> <p>14 statement of work or part of their existing</p> <p>15 agreement that they had a procedure to implement</p> <p>16 the changes and SPR then had a procedure to retest</p> <p>17 to validate that those changes were made. Beyond</p> <p>18 that, there was nothing else developed that I'm</p> <p>19 aware of from a procedure or policy standpoint.</p> <p>20 Q So is it fair to say that, as far as you know,</p> <p>21 there's no internal policy to Civix or any</p> <p>22 agreement between Civix and the State of Indiana</p> <p>23 specifying that in the future all coders who work</p> <p>24 on Indiana projects will get training in the</p> <p>25 Web Content Accessibility Guidelines, for instance?</p>
<p style="text-align: right;">Page 46</p> <p>1 from another kind of process. Can you say that for</p> <p>2 me again, please.</p> <p>3 A Business process.</p> <p>4 Q What is the difference between a business process</p> <p>5 and a tractional process?</p> <p>6 A Transactional may be the wrong word. It may be</p> <p>7 technical. Business process refers to the sequence</p> <p>8 of steps of how something gets done and I refer to</p> <p>9 a technical process as how that gets done to</p> <p>10 conform to that business process.</p> <p>11 THE WITNESS: Would it be okay if I took a</p> <p>12 five-minute break?</p> <p>13 MS. BRANDT-YOUNG: This is a fantastic time</p> <p>14 for a five-minute break. Can we all meet back here</p> <p>15 at 2:31 Eastern?</p> <p>16 MR. FLAHERTY: Sounds good.</p> <p>17 THE WITNESS: Sounds good.</p> <p>18 MS. BRANDT-YOUNG: Great. Thank you very</p> <p>19 much, sir.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 (A brief recess was taken.)</p> <p>22 Q All right. Mr. Cooper, I'll remind you that you're</p> <p>23 still under oath. We were discussing before the</p> <p>24 work around digital disability accessibility that</p> <p>25 Baker Tilly supervised involving SPR and Civix, and</p>	<p style="text-align: right;">Page 48</p> <p>1 A There may be that provision or policy or statement</p> <p>2 in a Civix contract, but I don't recall and I'm not</p> <p>3 aware. It would be in that contract if there was</p> <p>4 one.</p> <p>5 Q And are you aware of any policy or procedure of</p> <p>6 Civix or contractual requirement between the</p> <p>7 State of Indiana and Civix to require that every</p> <p>8 time a new change to indianavoters.com goes live</p> <p>9 that those changes are tested for accessibility</p> <p>10 first?</p> <p>11 A I don't recall.</p> <p>12 Q Are you aware of any requirement in place either</p> <p>13 internal to Civix or between Civix and the State of</p> <p>14 Indiana whereby Civix or any other organization</p> <p>15 runs automated accessibility testing on</p> <p>16 indianavoters.com?</p> <p>17 A I'm not aware.</p> <p>18 Q All right. So let's return to Senate Enrolled</p> <p>19 Act 398. What is Baker Tilly doing for the</p> <p>20 State of Indiana in order to implement</p> <p>21 Senate Enrolled Act 398 as it relates to voters</p> <p>22 with print disabilities?</p> <p>23 A What are anything that we're currently doing?</p> <p>24 Q Let's say from December of 2020 to today, what are</p> <p>25 any of the activities that Baker Tilly has engaged</p>

<p style="text-align: right;">Page 49</p> <p>1 in or will engage in in the future in order to help</p> <p>2 the State of Indiana implement Senate Enrolled</p> <p>3 Act 398 as it relates to voters with print</p> <p>4 disabilities?</p> <p>5 A So when there are legislative changes -- I think</p> <p>6 the official term is once legislation has</p> <p>7 passed -- Baker Tilly works with Civix to develop</p> <p>8 options for the State to determine how that can be</p> <p>9 implemented, and this falls into this category.</p> <p>10 This wasn't a separate project.</p> <p>11 So the State notified us that the legislation</p> <p>12 had passed. Baker Tilly developed a list of open</p> <p>13 questions, because we didn't understand the</p> <p>14 legislation without someone explaining more</p> <p>15 information about it, and so we prepared the open</p> <p>16 questions and reviewed those with the State. Then</p> <p>17 coming out of that meeting we understood that the</p> <p>18 State wanted to leverage the UOCAVA process for</p> <p>19 what they referred to as voters with print</p> <p>20 disabilities, and we met with Civix to understand</p> <p>21 possible technical options on how that could be</p> <p>22 implemented and that's what I'll refer to as the</p> <p>23 scoping matrix.</p> <p>24 We reviewed that with the State, and during</p> <p>25 that call with the State an organization called</p>	<p style="text-align: right;">Page 51</p> <p>1 A Correct.</p> <p>2 Q Was Civix also in that meeting?</p> <p>3 A Yes.</p> <p>4 Q Then I think this is the part that I missed. As a</p> <p>5 result of that meeting, the State asked you all to</p> <p>6 do what?</p> <p>7 A To prepare options on how self-certified voters,</p> <p>8 how that disability could be validated.</p> <p>9 Q Did Baker Tilly produce a written document for</p> <p>10 that?</p> <p>11 A I believe so, but I do not recall for sure.</p> <p>12 Q Did Baker Tilly prepare options for the State on</p> <p>13 how to enable voters to self-certify for</p> <p>14 disability?</p> <p>15 A Yes. Oh, sorry. Baker Tilly only provided options</p> <p>16 for implementation. I do not recall if we prepared</p> <p>17 options for validating self-certification.</p> <p>18 Q Do you know if anyone did?</p> <p>19 A I don't know.</p> <p>20 Q And after the self-certification issue what was</p> <p>21 Baker Tilly's next task to perform?</p> <p>22 A We didn't have a next task to perform, so we</p> <p>23 tracked it as an action item knowing that there was</p> <p>24 legislation.</p> <p>25 Q So is Baker Tilly's work on Senate Enrolled Act 398</p>
<p style="text-align: right;">Page 50</p> <p>1 Bosma was in that meeting. Coming out of that</p> <p>2 meeting the State had asked us to prepare</p> <p>3 documentation around validation of</p> <p>4 self-certification. And that was the last time</p> <p>5 that we've really worked on this effort, with the</p> <p>6 exception of keeping this as an action item because</p> <p>7 we understood that the State was going to develop a</p> <p>8 new form and nothing could be implemented until</p> <p>9 Civix had that form and understood what the State</p> <p>10 wanted to implement.</p> <p>11 Q So tell me if I've got this right because I think I</p> <p>12 missed a step. First Baker Tilly developed a list</p> <p>13 of scoping questions; is that right?</p> <p>14 A Correct.</p> <p>15 Q And met with the State of Indiana about those</p> <p>16 scoping questions; is that right?</p> <p>17 A That's correct.</p> <p>18 Q Next Baker Tilly met with Civix in order to develop</p> <p>19 a scoping matrix; is that right?</p> <p>20 A Correct, which included different implementation</p> <p>21 options.</p> <p>22 Q Is it fair to say that Baker Tilly met with the</p> <p>23 State to present the scoping matrix?</p> <p>24 A Yes.</p> <p>25 Q And Bosma was in that meeting?</p>	<p style="text-align: right;">Page 52</p> <p>1 complete?</p> <p>2 A I wouldn't say it's complete. There's just</p> <p>3 uncertainty as what the State wants or chooses to</p> <p>4 implement.</p> <p>5 Q What are the next steps that need to be done in</p> <p>6 order to implement Senate Enrolled Act 398 for</p> <p>7 voters with print disabilities?</p> <p>8 A So the next step, what we understand from the State</p> <p>9 thus far is that the legislation prescribes a</p> <p>10 single voter registration application and absentee</p> <p>11 ballot application form. That form would need to</p> <p>12 be finalized by the State. And then once the form</p> <p>13 is approved, Civix would develop requirements on</p> <p>14 how that form would be implemented and any business</p> <p>15 roles around the form submission process.</p> <p>16 Q Can you explain what a business role is, please.</p> <p>17 A Sure. A business role describes a function and how</p> <p>18 that function really corresponds to the big</p> <p>19 picture. So if you click the submit button, what's</p> <p>20 the business role for the next page if all</p> <p>21 information is completed within that form, versus</p> <p>22 if all information is not completed in that form</p> <p>23 then what is presented to that user.</p> <p>24 Q So once the State and Civix develop requirements</p> <p>25 for the form submission process for the combined</p>

<p style="text-align: right;">Page 53</p> <p>1 voter registration and accessible absentee ballot 2 request form, what's the next thing that has to be 3 done in order to implement SEA 398 as it relates to 4 voters with print disabilities?</p> <p>5 A I wouldn't be able to speak to implementation of 6 the law. What I can speak to is next steps related 7 to implementation of that form.</p> <p>8 Q Well, thank you. I should have asked the question 9 more in terms of: What's the next step for either 10 Baker Tilly or Civix or any other entity working on 11 the web-based aspects of implementation that you 12 know about?</p> <p>13 A Just following the normal process for all changes 14 and enhancements. Once the requirements are 15 developed, they are reviewed with edits and 16 eventually approved or the project is not approved. 17 And upon approval of requirements, Civix would 18 develop cost estimates for that implementation.</p> <p>19 Q All right. So fair to say that Baker Tilly is 20 aware of the need to develop a form to register to 21 vote and apply for an accessible absentee ballot 22 and that needs to be developed; is that right?</p> <p>23 A That's our understanding, correct.</p> <p>24 Q Is Baker Tilly aware of any need to make a form 25 called the absentee voter bill of rights into an</p>	<p style="text-align: right;">Page 55</p> <p>1 division, whose job will it be to make that form an 2 accessible one?</p> <p>3 A I do not know.</p> <p>4 Q From what you've told me so far, it sounds like it 5 would never be Baker Tilly's job to actually make 6 that form accessible, rather it would manage a 7 project wherein someone else did. Do I have that 8 right?</p> <p>9 A My understanding is it's the State's responsibility 10 to determine if that form would need to be in all 11 accessible formats, but there's a chance that they 12 may continue working with Bosma, there's a chance 13 they could work with other parties, or there's a 14 chance that they could talk with Baker Tilly and 15 see if SPR was willing to do that. But I don't 16 have visibility into what their thoughts are or how 17 that would be done because that wasn't discussed.</p> <p>18 Q Is it currently contemplated that a combined voter 19 registration and absentee ballot application could 20 be turned into an HTML process on 21 indianavoters.com?</p> <p>22 A I don't know.</p> <p>23 Q Are you aware of any other documents that will need 24 to be either developed in the first place or 25 existing versions made accessible for voters with</p>
<p style="text-align: right;">Page 54</p> <p>1 accessible document in order to make SEA 398 2 accessible for voters with print disabilities?</p> <p>3 A I have never heard of that terminology before, so I 4 would not be familiar with that.</p> <p>5 Q Has Baker Tilly been informed of any need to make a 6 document called the secrecy waiver for absentee 7 votes into an accessible document for voters with 8 print disabilities?</p> <p>9 A I have heard of the terminology secrecy waiver, but 10 I'm not familiar enough with which forms would 11 require the secrecy waiver to be combined together. 12 So that would be a part of developing and 13 documenting requirements based on what the State 14 would want to be implemented.</p> <p>15 Q In terms of the voter registration and accessible 16 absentee ballot application form, if you know, 17 who's working on the content of that form right 18 now? To your understanding anyway.</p> <p>19 A Our understanding is that the Election Division 20 works on forms and then submits forms for 21 approval -- I believe there's a forms management 22 division -- but we don't ever have visibility as to 23 who exactly is working on a form within the 24 Election Division.</p> <p>25 Q Once that form is approved by the forms management</p>	<p style="text-align: right;">Page 56</p> <p>1 print disabilities in order to implement SEA 398 2 for voters with print disabilities?</p> <p>3 A I'm not aware of any or not that I recall. The 4 only reason we know that this form was identified 5 is because the State told us.</p> <p>6 Q So are there any other steps in the process or 7 forms or any other details that the State needs to 8 be working on that you're aware of in order to get 9 SEA 398 implemented for voters with print 10 disabilities?</p> <p>11 A I don't know.</p> <p>12 Q Are you aware of any plans to make sure that the 13 ballots used in future elections are accessible 14 documents that voters with print disabilities can 15 use?</p> <p>16 A I don't know.</p> <p>17 Q Are you aware of whether there are any local 18 county-specific instructions around absentee voting 19 that need to be made accessible so that voters with 20 print disabilities can use them while voting 21 absentee?</p> <p>22 A I don't know.</p> <p>23 Q Are you aware of any plans to develop guidance or 24 training to the counties on how to create ballots 25 and local county-specific instructions so that they</p>

<p style="text-align: right;">Page 57</p> <p>1 comply with WCAG?</p> <p>2 A I don't know.</p> <p>3 Q Are you aware of any plans to update any written</p> <p>4 materials to reflect that documents related to the</p> <p>5 voting process will need to be made accessible for</p> <p>6 voters with print disabilities?</p> <p>7 A I don't know specific to that question. What I can</p> <p>8 mention is that any time there's a change, at time</p> <p>9 of the rollout the State will update training</p> <p>10 materials based on whatever that change is. So I</p> <p>11 would assume that they would want to make some type</p> <p>12 of changes to step-by-steps or county</p> <p>13 training-based documents, but that's not been</p> <p>14 discussed.</p> <p>15 Q You said any time there's a change the State</p> <p>16 updates its materials accordingly. What kind of</p> <p>17 changes did you mean?</p> <p>18 A Systematic changes.</p> <p>19 Q So would making forms accessible of the type of</p> <p>20 forms that I've listed for you already, would those</p> <p>21 count as a systematic change that should appear in</p> <p>22 the State's updated materials?</p> <p>23 A I don't know.</p> <p>24 Q Tell me what a step-by-step is.</p> <p>25 A So a step-by-step is a training documentation for</p>	<p style="text-align: right;">Page 59</p> <p>1 relates to voters with print disabilities?</p> <p>2 A I'm not aware of any.</p> <p>3 Q Is it fair to say that because of SEA 398 and what</p> <p>4 it provides for voters with print disabilities that</p> <p>5 the indianavoters.com needs to be updated in terms</p> <p>6 of the relevant voter registration system election</p> <p>7 management module?</p> <p>8 A I don't know because no requirements have been</p> <p>9 developed.</p> <p>10 Q Are you aware of whether Civix or any other entity</p> <p>11 is currently developing or is on tap to develop a</p> <p>12 combined HTML voter registration and accessible</p> <p>13 absentee ballot application on indianavoters.com</p> <p>14 when that form is developed?</p> <p>15 A I'm not aware.</p> <p>16 Q Are you aware of them being tapped to develop a</p> <p>17 stand-alone HTML accessible absentee ballot</p> <p>18 application for people who are already registered</p> <p>19 as voters?</p> <p>20 A I'm not aware.</p> <p>21 Q Are you aware of any work being done on any time</p> <p>22 frame about adding an online voting application to</p> <p>23 indianavoters.com?</p> <p>24 A Can you repeat the question one more time?</p> <p>25 Q Sure. Are you aware of any work being done by</p>
<p style="text-align: right;">Page 58</p> <p>1 counties that helps counties understand how to use</p> <p>2 the Statewide Voter Registration System modules and</p> <p>3 workflows.</p> <p>4 Q How many modules does the Statewide Voter</p> <p>5 Registration System have?</p> <p>6 A I don't know. Civix would be in a better position</p> <p>7 to answer that question.</p> <p>8 Q Can you name some representative ones?</p> <p>9 A User administration, voter registration. That's</p> <p>10 about all I can remember without seeing the</p> <p>11 application.</p> <p>12 Q Can you name some representative workflows in the</p> <p>13 Statewide Voter Registration System?</p> <p>14 A Yeah. So processing absentee ballot applications,</p> <p>15 processing voter registration records, setting up</p> <p>16 user permissions. And many other types of</p> <p>17 workflows are just processing different types of</p> <p>18 data.</p> <p>19 Q Are you aware of any work currently under way to</p> <p>20 hire contractors to assist the counties with WCAG</p> <p>21 compliance?</p> <p>22 A I'm not aware of any.</p> <p>23 Q Are you aware of any plans for county boards to</p> <p>24 hold their own trainings with their staff to make</p> <p>25 sure that everybody understands the law and how it</p>	<p style="text-align: right;">Page 60</p> <p>1 anyone on any time frame to add an online absentee</p> <p>2 voting application to indianavoters.com?</p> <p>3 A No, I'm not aware.</p> <p>4 Q Okay. All right. I would like to direct your</p> <p>5 attention to a document.</p> <p>6 MS. BRANDT-YOUNG: So let's let the record</p> <p>7 please reflect that I'm marking ACBI474 through 483</p> <p>8 Baker Tilly Contract Amendment as Exhibit 1.</p> <p>9 MR. FLAHERTY: Sorry, Christina. What was the</p> <p>10 Bates range again?</p> <p>11 MS. BRANDT-YOUNG: 474 through 483.</p> <p>12 MR. FLAHERTY: Thank you.</p> <p>13 MS. BRANDT-YOUNG: So we're marking that</p> <p>14 document as Exhibit 1 and I'm asking everyone to go</p> <p>15 ahead and open a local copy. I'm also going to</p> <p>16 share the document on my screen.</p> <p>17 Q So, Mr. Cooper, have you found that document?</p> <p>18 A Yes.</p> <p>19 Q Great. And can you see that contract? It begins</p> <p>20 with AMENDMENT #7. Can you see that being shared</p> <p>21 through the screen?</p> <p>22 A Yes.</p> <p>23 Q Great. And do you also have your own copy open?</p> <p>24 A Yes.</p> <p>25 Q If you would like to, please don't hesitate to take</p>

<p style="text-align: right;">Page 61</p> <p>1 a minute or two to scroll through it and make sure</p> <p>2 you know which one this is and what it says. Let</p> <p>3 me know when you're ready.</p> <p>4 (Witness reviewing document)</p> <p>5 MR. CRISHON: Christina, you have your full</p> <p>6 screen shared, not just the document. I just</p> <p>7 wanted to note that.</p> <p>8 MS. BRANDT-YOUNG: Thank you.</p> <p>9 A And I'm ready.</p> <p>10 MS. BRANDT-YOUNG: In terms of the screen</p> <p>11 share, is this a good document size? Anyone who</p> <p>12 would like it blown up a little more, we're happy</p> <p>13 to enlarge it.</p> <p>14 THE WITNESS: It's good.</p> <p>15 Q All right. Do you recognize this document,</p> <p>16 Mr. Cooper?</p> <p>17 A Yes.</p> <p>18 Q What is it?</p> <p>19 A This is a contract amendment for a Baker Tilly</p> <p>20 project.</p> <p>21 Q And which one?</p> <p>22 A We call this project -- it's an acronym -- VEAP,</p> <p>23 which stands for Voting & Elections Accessibility</p> <p>24 Program.</p> <p>25 Q So is it fair to say that this is a contract</p>	<p style="text-align: right;">Page 63</p> <p>1 A We don't have any contract that references that</p> <p>2 description.</p> <p>3 Q So the options that Baker Tilly developed before</p> <p>4 and that they met with the State about and I</p> <p>5 believe Bosma was also part of that meeting, was</p> <p>6 that done pursuant to any contract?</p> <p>7 A Our current biennium agreement includes helping the</p> <p>8 State to scope out options to implement changes to</p> <p>9 the system, but there is no specific activity or</p> <p>10 deliverable around legislation.</p> <p>11 Q So fair to say that, as far as you're concerned,</p> <p>12 the options that you developed were developed</p> <p>13 pursuant to the biennial contract and not pursuant</p> <p>14 to this contract amendment; is that right?</p> <p>15 A That is my assumption, correct.</p> <p>16 Q While we have this document in front of us, just</p> <p>17 looking at the end of the first page can we agree</p> <p>18 that this AMENDMENT #7 was signed at the end of</p> <p>19 August of 2021?</p> <p>20 A Yes. It looks like both parties had signed at the</p> <p>21 end of August in 2021.</p> <p>22 Q Can you please skip with me to .pdf page 5 of this</p> <p>23 document.</p> <p>24 A Okay.</p> <p>25 Q As you'll see in the middle of the page, this</p>
<p style="text-align: right;">Page 62</p> <p>1 between the Indiana Secretary of State and</p> <p>2 Baker Tilly?</p> <p>3 A Correct.</p> <p>4 Q And is it fair to say that this is the one that,</p> <p>5 among other things, implements SEA 398 as to voters</p> <p>6 with print disabilities? Is that one of the</p> <p>7 subjects of this contract?</p> <p>8 A No. That is not a subject of this contract.</p> <p>9 Q So the contract between Baker Tilly and Indiana is</p> <p>10 a different one than this one? That implements</p> <p>11 SEA 398, just to be clear.</p> <p>12 A We don't have a statement of work or contract to</p> <p>13 implement SEA 398.</p> <p>14 Q Are you performing any work that helps to implement</p> <p>15 SEA 398?</p> <p>16 A We don't implement any laws. We implement</p> <p>17 systematic changes. We have a contract that has</p> <p>18 the activities of the systematic implementations,</p> <p>19 and that is not this contract.</p> <p>20 Q So point taken, your contracts don't implement</p> <p>21 laws. Are you telling me that you do have a</p> <p>22 contract that reflects some activities that the</p> <p>23 State is engaging in as a result of SEA 398 being</p> <p>24 passed as relates to voters with print</p> <p>25 disabilities?</p>	<p style="text-align: right;">Page 64</p> <p>1 describes the Voting & Elections Accessibility</p> <p>2 Program Requirements Development. So do I</p> <p>3 understand you correctly that none of the work on</p> <p>4 Voting & Elections Accessibility Program</p> <p>5 requirements development involves online</p> <p>6 accessibility of absentee voting? Do I understand</p> <p>7 that right?</p> <p>8 A That's correct.</p> <p>9 Q Looking in the middle of the page just underneath</p> <p>10 the hard black band under the Summary, This role</p> <p>11 entails the solution architecture role to utilize</p> <p>12 approved requirements and work with Civix or SPR to</p> <p>13 identify implementation and operational cost</p> <p>14 estimates with implementation timelines.</p> <p>15 What this reflects is that you all are working</p> <p>16 with Civix and/or SPR, but this doesn't refer to</p> <p>17 the work about absentee voting; is that right?</p> <p>18 A The second part of that is correct. The first part</p> <p>19 is based on the State authorizing and getting</p> <p>20 initial cost estimates to gauge the feasibility of</p> <p>21 affordability for these projects.</p> <p>22 Q So what are some of these projects?</p> <p>23 A So those projects are listed they start on page 6</p> <p>24 of the .pdf and go through page 8.</p> <p>25 Q In looking at the bottom of .pdf page 7, there's a</p>

<p style="text-align: right;">Page 65</p> <p>1 topic here called Voting Accessibility Landing</p> <p>2 Page / Portal and the Objective is listed, Develop</p> <p>3 a voting accessibility website (or add-on to an</p> <p>4 existing public facing website) to centralize all</p> <p>5 voting accessibility information that may be</p> <p>6 helpful to counties (and their poll workers) and/or</p> <p>7 voters with disabilities.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q So do I understand correctly that none of this has</p> <p>11 to do with absentee voting?</p> <p>12 A Correct.</p> <p>13 Q So let's skip to .pdf page 3. At the bottom of the</p> <p>14 page under Definitions Applicable to this Statement</p> <p>15 of Work, No. 13 says, A "Screen overlay" refers to</p> <p>16 a window of content on a website that prioritizes</p> <p>17 focus on a website element for people viewing the</p> <p>18 website on a computer or mobile screen.</p> <p>19 Do you see that there?</p> <p>20 A Yes.</p> <p>21 Q What is a screen overlay?</p> <p>22 A The definition is on that same page. So reading</p> <p>23 the document, it refers to a window of content on a</p> <p>24 website that prioritizes focus, so it spotlights</p> <p>25 certain sections of the website so that</p>	<p style="text-align: right;">Page 67</p> <p>1 implement.</p> <p>2 Q Looking at No. 3, the term, this contract was</p> <p>3 supposed to be effective from May 1, 2019, through</p> <p>4 December 31, 2019. Do you see that?</p> <p>5 A Yes.</p> <p>6 Q So is it fair to say that this contract has run its</p> <p>7 course and is no longer active?</p> <p>8 A That is correct. All services have concluded.</p> <p>9 Q So fair to say this isn't the contract that</p> <p>10 Baker Tilly is currently doing any work around</p> <p>11 absentee voting for voters with print disabilities?</p> <p>12 They're not doing it under this contract either?</p> <p>13 A Correct. And, again, we don't have a contract for</p> <p>14 anything with voters with print disabilities.</p> <p>15 Q So, again, here we are I'm going to ask you to</p> <p>16 repeat yourself about this again. Baker Tilly did</p> <p>17 work for the State of Indiana about absentee voting</p> <p>18 for voters with print disabilities in 2020; right?</p> <p>19 A We prepared documents.</p> <p>20 Q Did you get paid for preparing those documents?</p> <p>21 A No.</p> <p>22 Q I thought you said before that your work on the</p> <p>23 absentee voting for voters with print disabilities</p> <p>24 was done pursuant to the biennial contract in place</p> <p>25 at that time?</p>
<p style="text-align: right;">Page 66</p> <p>1 technologies can relay that back to the individual.</p> <p>2 Q Are screen overlays being used on indianavoters.com</p> <p>3 right now?</p> <p>4 A Not that I'm aware of.</p> <p>5 Q Is there a plan for them to be used?</p> <p>6 A Not that I'm aware of.</p> <p>7 Q All right. So let's go ahead and close this</p> <p>8 document and we're going to mark another one.</p> <p>9 MS. BRANDT-YOUNG: So let's mark as Exhibit 2</p> <p>10 ACBI1055 to 1082.</p> <p>11 MR. FLAHERTY: It's in the last e-mail I sent</p> <p>12 to you, Seth.</p> <p>13 A Yes, I have it.</p> <p>14 Q So hopefully right now you'll see on my screen a</p> <p>15 new document called PROFESSIONAL SERVICES CONTRACT.</p> <p>16 Can you see it?</p> <p>17 A Yes.</p> <p>18 Q Do you have it open as a local copy as well?</p> <p>19 A Yes.</p> <p>20 Q Wonderful. And do you recognize this document?</p> <p>21 A Yes.</p> <p>22 Q What is it?</p> <p>23 A This is a contract for project management services</p> <p>24 that were conducted for a cybersecurity program of</p> <p>25 initiatives that the State of Indiana wanted to</p>	<p style="text-align: right;">Page 68</p> <p>1 A We have a biennial contract to help facilitate</p> <p>2 requirements for changes in the Statewide Voter</p> <p>3 Registration System. We don't have any specific</p> <p>4 activity or deliverable tied to legislative</p> <p>5 changes.</p> <p>6 Q Do you consider the work around voters with print</p> <p>7 disabilities and their absentee voting rights to be</p> <p>8 changes to the system?</p> <p>9 A Do I consider that? At this stage, no, because</p> <p>10 there are no requirements.</p> <p>11 Q All right. Let's flip onto another document then</p> <p>12 and maybe that will help me understand better.</p> <p>13 MS. BRANDT-YOUNG: So this one is named BTUS45</p> <p>14 and we'll mark that as Exhibit 3.</p> <p>15 A Okay.</p> <p>16 Q So, again, this is BTUS45 marked as Exhibit 3.</p> <p>17 Mr. Cooper, do you have it open and can you see it</p> <p>18 on the screen share?</p> <p>19 A Yes.</p> <p>20 MS. BRANDT-YOUNG: Anybody else need a moment</p> <p>21 to get it open or to see it?</p> <p>22 (No response)</p> <p>23 MS. BRANDT-YOUNG: Great.</p> <p>24 Q All right. Mr. Cooper, have you ever seen this</p> <p>25 document before?</p>

<p style="text-align: right;">Page 69</p> <p>1 A Yes.</p> <p>2 Q Can you tell us what it is?</p> <p>3 A Yeah. This is an e-mail from Andrew Lang that</p> <p>4 submitted this e-mail to myself, Jay Phelps, and</p> <p>5 Brandon Kline. He had attached the legislation in</p> <p>6 a .pdf format and indicated that this legislation</p> <p>7 had recently passed and wanting Baker Tilly to</p> <p>8 develop information that would take what they put</p> <p>9 into legislation and create a program, I guess,</p> <p>10 coming out of that signed legislation.</p> <p>11 Q So looking on page 1, there's a sentence sort of in</p> <p>12 the middle of the paragraph that I'm going to try</p> <p>13 and highlight here so as to bring to your</p> <p>14 attention, We envision the system looking very</p> <p>15 similar to the way UOCAVA currently does.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q What did you understand that to mean?</p> <p>19 A My understanding of that statement was uncertain at</p> <p>20 the time of reading this e-mail. We had started</p> <p>21 already documenting some open questions. Once we</p> <p>22 received this e-mail, we revised and added to that</p> <p>23 list of open questions. When we met with</p> <p>24 Andrew Lang and the Secretary of State's office,</p> <p>25 they described that UOCAVA utilizes a electronic</p>	<p style="text-align: right;">Page 71</p> <p>1 the web content accessibility standards, what does</p> <p>2 that refer to?</p> <p>3 A I don't know. My understanding of the only work</p> <p>4 that we'd done in the past was related to the web</p> <p>5 accessibility testing project that I mentioned with</p> <p>6 SPR earlier and we did business case development,</p> <p>7 which was research-based work that then led to the</p> <p>8 requirements development contract that you had</p> <p>9 pulled up just earlier. So I'm not familiar with</p> <p>10 Andrew's comparison of that to this.</p> <p>11 Q All right. Let's go ahead and close this document</p> <p>12 out.</p> <p>13 MS. BRANDT-YOUNG: We'll mark as Exhibit 4 a</p> <p>14 document called BTUS195.</p> <p>15 A Okay.</p> <p>16 Q Can you see that document open on the screen share?</p> <p>17 A Yes.</p> <p>18 Q And do you have a local copy open if that would be</p> <p>19 helpful?</p> <p>20 A Yes.</p> <p>21 Q Great. Do you recognize this one?</p> <p>22 A Yes.</p> <p>23 Q Is this the open questions document that you</p> <p>24 referred to before?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 70</p> <p>1 mail, e-mail, and fax submission method for a</p> <p>2 combined voter registration and absentee ballot</p> <p>3 application and that they wanted to expand that</p> <p>4 process for the group of voters that's indicated by</p> <p>5 this legislation.</p> <p>6 Q Also at the bottom of page 1 -- and this is another</p> <p>7 e-mail from Andrew Lang to you -- there's a</p> <p>8 statement at the end that I'm going to highlight so</p> <p>9 you can find it saying, We met with Tom White in</p> <p>10 the past regarding accessibility improvements which</p> <p>11 helped to inform some of these efforts, such as</p> <p>12 pegging our standard to the web content</p> <p>13 accessibility standards put forth by WWWC.</p> <p>14 Do you see that statement?</p> <p>15 A Yes.</p> <p>16 Q Who's Tom White?</p> <p>17 A Tom White is a Baker Tilly employee that's no</p> <p>18 longer working with the State of Indiana.</p> <p>19 Q So when you say he's a Baker Tilly employee who's</p> <p>20 no longer working with the State of Indiana, tell</p> <p>21 me what you mean by that.</p> <p>22 A Tom transitioned to a different team in a</p> <p>23 non-client facing role, so he works on internal</p> <p>24 Baker Tilly initiatives.</p> <p>25 Q So this prior work such as pegging our standard to</p>	<p style="text-align: right;">Page 72</p> <p>1 Q Roughly what's the date of this document?</p> <p>2 A This was approximately late April to early May.</p> <p>3 Q Of 2021?</p> <p>4 A Of 2021, correct.</p> <p>5 Q And who drafted this?</p> <p>6 A Baker Tilly drafted this document with input from</p> <p>7 Civix and the Secretary of State office, so this</p> <p>8 was a collective inventory of questions.</p> <p>9 Q Who was the intended audience of this document?</p> <p>10 A It was for the Secretary of State office.</p> <p>11 Q So who ever got a copy of this?</p> <p>12 A I do not recall, but I believe it would have been</p> <p>13 the members of the Secretary of State office that</p> <p>14 we were meeting with.</p> <p>15 Q So looking together at Question No. 1, Can web</p> <p>16 publication be interpreted as web portal or does it</p> <p>17 refer to something else? What does that mean?</p> <p>18 A When we read the legislation, we didn't understand</p> <p>19 it in its written form. One of the questions we</p> <p>20 had is what does web publication mean, was the</p> <p>21 State intending it to be a website or something</p> <p>22 printed from a web, so that was the genesis of this</p> <p>23 question.</p> <p>24 Q I'm sorry. Can you repeat that for me, please. I</p> <p>25 don't think I quite understood.</p>

<p style="text-align: right;">Page 73</p> <p>1 A Yeah. So we weren't sure what web publication 2 meant and if it referred to a website and 3 transmitting data through a website or as an 4 alternative a .pdf form that would be on a site 5 that could be downloaded. We weren't sure of what 6 web publication meant.</p> <p>7 Q In what context was the term web publication used?</p> <p>8 A I don't recall. It's included in the legislation.</p> <p>9 Q Does web portal mean indianavoters.com and the 10 features there that people are able to use?</p> <p>11 A Yes. That was our intent with web portal.</p> <p>12 Q Sorry. Before I forget, so what was the answer to 13 this question?</p> <p>14 A I don't recall the specific answer to this 15 question, because this list of open questions led 16 to the scoping matrix and we included a full web 17 interface as one of those options.</p> <p>18 Q Full web interface for what?</p> <p>19 A For voter registration application and absentee 20 ballot application for voters with print 21 disabilities.</p> <p>22 Q So looking at Question No. 2 then, If a voter has a 23 print disability, what enables them to successfully 24 complete an application without electronic 25 submission versus submitting a ballot without</p>	<p style="text-align: right;">Page 75</p> <p>1 direct answer to this question.</p> <p>2 Q Looking at Question 3, how will IED or the counties 3 know the voter has a print disability, unless 4 voters self-certify? I think I understand what the 5 question there was. Ultimately did it come out 6 that Indiana decided to let voters self-certify as 7 people with print disabilities?</p> <p>8 A Yes. Indiana specifically mentioned that they had 9 made that decision, that there was going to be some 10 aspect of self-certification.</p> <p>11 Q Looking at Question 7, Should there be a landing 12 page developed which contains tips for each screen 13 reader and guidance to voters with print 14 disabilities? This could allow step-by-step 15 walkthrough of the process. What did the answer 16 end up being?</p> <p>17 A We never received an answer on this question.</p> <p>18 Q So is such a landing page currently in development?</p> <p>19 A There's nothing in development that I'm aware of.</p> <p>20 Q Next question, Question 8, Should there be a sample 21 absentee ballot so people can practice prior to 22 voting to increase familiarity and confidence, 23 and/or identify issues prior to voting with the 24 real ballot and using their own operating system 25 and assistive technologies? What was the answer to</p>
<p style="text-align: right;">Page 74</p> <p>1 electronic submission? The assumption is that 2 voters with print disabilities can utilize e-mail 3 or fax. What does this question mean?</p> <p>4 A We were unsure how a voter with a print disability 5 would be able to complete an application without an 6 electronic submission.</p> <p>7 Q Do you mean that you were unsure how they would do 8 it privately and independently or something else?</p> <p>9 A I think we were looking at it more from a technical 10 standpoint. We just didn't understand, say, a 11 blind voter, how they might submit an application 12 that wasn't in an electronic format.</p> <p>13 Q Well, and the question goes on to ask what enables 14 them to successfully complete an application 15 without electronic submission versus submitting a 16 ballot without electronic submission. Can you tell 17 us more about why you were comparing and 18 contrasting those two things?</p> <p>19 A Yeah. This was strictly just based on how the 20 legislation was written and we were trying to 21 understand what the intent of the legislation was 22 and what the State of Indiana wanted to do.</p> <p>23 Q So what was the answer to this question?</p> <p>24 A They discussed the usage of the WCAG criteria and 25 assistive technologies. I don't recall receiving a</p>	<p style="text-align: right;">Page 76</p> <p>1 this question?</p> <p>2 A We didn't receive an answer to this question.</p> <p>3 Q Are you aware of anything along these lines being 4 developed right now?</p> <p>5 A I'm not aware of anything being developed.</p> <p>6 Q Question 9, If there are any requirements for an 7 electronic submission of applications or ballots, 8 should this be built out from IndianaVoters or a 9 separate portal? I think I understand what that 10 means, but can you just explain the context of the 11 question?</p> <p>12 A So the context of this question is that currently 13 IndianaVoters is used for all types of voter 14 registration and voter electronic transactions. We 15 were unsure if the State wanted a separate portal 16 because we didn't know if they wanted electronic 17 transmission outside of e-mail or fax, and so this 18 question is based on that should all of these scope 19 considerations leverage IndianaVoters or will a 20 separate website or portal need to be developed to 21 support what was passed in legislation, because 22 that would affect the cost from Civix as the 23 development vendor.</p> <p>24 Q So ultimately what did the answer to this question 25 turn out to be?</p>

<p style="text-align: right;">Page 77</p> <p>1 A This specific question did get answered, and they</p> <p>2 had referenced that because they wanted to leverage</p> <p>3 the UOCAVA process that a separate portal would not</p> <p>4 need to be developed and any transactions or</p> <p>5 documents would leverage IndianaVoters.</p> <p>6 Q I'm sorry. Can you repeat that, please. They</p> <p>7 wanted to leverage the UOCAVA process and?</p> <p>8 A Because they wanted to leverage the UOCAVA process,</p> <p>9 a new portal would not need to be developed and any</p> <p>10 functionality pertaining to this legislation would</p> <p>11 utilize IndianaVoters.</p> <p>12 Q Are you aware of any new functionality being added</p> <p>13 to IndianaVoters as a result of these</p> <p>14 conversations?</p> <p>15 A We have the open enhancement logged and, as I</p> <p>16 mentioned before, the action item that's based on</p> <p>17 the form being generated, but no requirements or</p> <p>18 other initiatives are being implemented or are</p> <p>19 documented that I'm aware of.</p> <p>20 Q So is it fair to say that you haven't received any</p> <p>21 instructions from the State of Indiana or anyone</p> <p>22 else to do anything new to indianavoters.com as</p> <p>23 part of this process?</p> <p>24 A That's correct.</p> <p>25 Q But it's possible that some instructions could come</p>	<p style="text-align: right;">Page 79</p> <p>1 Q So fair to say that there's been prior discussion</p> <p>2 of adding an accessible absentee ballot application</p> <p>3 to indianavoters.com in the recent past or possibly</p> <p>4 being done within 2022; is that right?</p> <p>5 A Yes, specific to this legislation, correct.</p> <p>6 Q But there hasn't been any discussion of adding an</p> <p>7 accessible absentee ballot casting function to</p> <p>8 indianavoters.com in 2022; is that right?</p> <p>9 A Correct, not that I'm aware of.</p> <p>10 Q Thank you. So moving on to Question 10, What are</p> <p>11 the credentials Indiana would like to use for the</p> <p>12 electronic submission of applications and/or</p> <p>13 ballots? First of all, can you explain what</p> <p>14 credentials are?</p> <p>15 A Yes. Credentials are information from a voter that</p> <p>16 is used to help validate the identity of the voter</p> <p>17 submitting that application and/or ballot.</p> <p>18 Q And so what did the answer to the question turn out</p> <p>19 to be?</p> <p>20 A They indicated that they wanted to model UOCAVA,</p> <p>21 with the only difference of a voter self-certifying</p> <p>22 that they have a print disability.</p> <p>23 Q So what credentials are required under the current</p> <p>24 UOCAVA process?</p> <p>25 A I would not be the best to answer that. I don't</p>
<p style="text-align: right;">Page 78</p> <p>1 from the State of Indiana about this process and</p> <p>2 adding things to indianavoters.com?</p> <p>3 A Yes. When the Indiana Election Division authorizes</p> <p>4 next steps, then that's when action would be taken.</p> <p>5 Q Is it fair to say that at the current time if you</p> <p>6 got instructions from the State of Indiana within</p> <p>7 the next few weeks to add an absentee ballot</p> <p>8 application for voters with print disabilities to</p> <p>9 indianavoters.com, that would not take you by</p> <p>10 surprise?</p> <p>11 A Can you ask the question in a different way? Can</p> <p>12 you clarify the question?</p> <p>13 Q Yes. Do you expect to receive instructions from</p> <p>14 Indiana within the next few months about adding an</p> <p>15 accessible absentee ballot application to</p> <p>16 indianavoters.com?</p> <p>17 A I would not be surprised if they authorized action</p> <p>18 within the next few months, given that this was a</p> <p>19 legislative change.</p> <p>20 Q So that would add a function around registering for</p> <p>21 an accessible absentee ballot. Do you expect to</p> <p>22 receive any instructions around adding</p> <p>23 functionality to indianavoters.com for people to</p> <p>24 cast accessible absentee ballots?</p> <p>25 A I don't know. That hasn't been discussed.</p>	<p style="text-align: right;">Page 80</p> <p>1 know. Either Civix would from a systematic</p> <p>2 standpoint or the State from a policy.</p> <p>3 Q Question 11, Will a new application be developed or</p> <p>4 will an existing application incorporate the option</p> <p>5 to self-certify for a print disability? What does</p> <p>6 application mean in that context?</p> <p>7 A In this context it means the specific application</p> <p>8 form.</p> <p>9 Q So rather than, for instance, a web application or</p> <p>10 a software application, that simply meant a thing</p> <p>11 collecting information whereby people apply to vote</p> <p>12 as an accessible absentee voter; is that correct?</p> <p>13 A Correct.</p> <p>14 Q So that's what that means here?</p> <p>15 A Yes.</p> <p>16 Q Great. So now that I understand the question, what</p> <p>17 was the answer?</p> <p>18 A Their response to this was that there would be a</p> <p>19 new combined voter registration and absentee ballot</p> <p>20 application, which follows the UOCAVA process.</p> <p>21 Q Did you understand that there would be any work</p> <p>22 done for a separate application for an accessible</p> <p>23 absentee ballot to be used by people who had</p> <p>24 already registered to vote?</p> <p>25 A Not that I'm aware of.</p>

<p style="text-align: right;">Page 81</p> <p>1 Q Question 12, Should SVRS and ISRS be updated to 2 include a new absentee application type or add a 3 new reason code for voting absentee for voters with 4 print disabilities? SVRS is the state voter 5 registration system? 6 A That's correct. 7 Q What's ISRS? 8 A ISRS stands for the Indiana Subscriber Reporting 9 System. 10 Q What is that? 11 A It is a replicated application of the SVRS, except 12 that it only includes reporting capabilities, and 13 party subscribers are the primary users that access 14 ISRS. 15 Q So when you say that it's a replicated application 16 of SVRS, that means that it contains some of the 17 same information as SVRS; is that right? 18 A From a reporting standpoint, correct. 19 Q And what does reporting capabilities mean? 20 A Within SVRS and consequently ISRS, there are 21 reports that query different data, and so that's 22 really what reporting capabilities include. It's 23 just creating different reports of different data 24 sets. 25 Q And when you say that that is only for subscribers,</p>	<p style="text-align: right;">Page 83</p> <p>1 then that we should take a break. Is that okay? 2 MR. FLAHERTY: Yes. 3 MS. BRANDT-YOUNG: Perfect. 4 Q Question 14 is, Should updates be made to 5 Indianavoters.com to indicate what options voters 6 with print disabilities have to request and submit 7 both VR and absentee ballot applications and 8 absentee ballots? Do you see that there? 9 A Yes. 10 Q I assume that VR means voter registration in this 11 context? 12 A That is correct. 13 Q What was the answer to this question, if any? 14 A Give me one second to just reread this. 15 Q Sure. 16 (Witness reviewing document) 17 A So this question refers to how IndianaVoters will 18 list what options there are for voters with print 19 disabilities, and the answer was yes but the 20 specific updates were not provided because 21 requirements were not developed. 22 Q Is this something you would reasonably expect to 23 receive directions from the State about in the next 24 few months? 25 A Once requirements are developed, I would expect</p>
<p style="text-align: right;">Page 82</p> <p>1 who are those subscribers? 2 A So this is a question that would be better answered 3 by the Indiana Election Division. My understanding 4 is that there is a form that is filled out and 5 there's a subscriber fee and once that is paid that 6 that individual would be able to have access to 7 ISRS. 8 Q Who is eligible to be a subscriber? 9 A I do not know. 10 Q Ultimately was the decision made that those things 11 should be updated to include a new absentee 12 application type or add a new reason code for 13 voting absentee for voters with print disabilities? 14 A There was no decision made on this question. 15 Q Once the form is approved for an application for an 16 absentee ballot, do you expect that question to be 17 answered? 18 A I would expect this question to be answered as a 19 part of requirements development, yes. 20 MR. FLAHERTY: Christina, we've been going for 21 about another hour and a half since our last break. 22 Maybe we need to take just a short break when it's 23 a convenient spot for you. 24 MS. BRANDT-YOUNG: Thank you. We're almost 25 done with this exhibit, and I hope you'll remind me</p>	<p style="text-align: right;">Page 84</p> <p>1 that this question is answered as a part of that 2 effort. 3 Q Question 16, What training would be required for 4 counties to ensure that they are distributing these 5 applications properly? Applications here means 6 applications for an accessible absentee ballot; is 7 that right? 8 A Yeah, the combined voter registration/absentee 9 ballot application. I just want to draw a 10 distinction between ballot and application. So 11 this refers to voter registration and absentee 12 ballot application. 13 Q And presumably this is a request for an accessible 14 absentee ballot, not just any absentee ballot; 15 right? 16 A Ballot application, correct. 17 Q And so what was the answer to what training would 18 be required for counties to ensure that they are 19 distributing these applications properly? 20 A There was general discussion that training would be 21 required but no specifics as to what should be 22 developed or how that training should be rolled 23 out. This was very early in the process so, again, 24 requirements were not developed. 25 Q So fair to say that requirements have not been</p>

<p style="text-align: right;">Page 85</p> <p>1 developed yet for this step either?</p> <p>2 A That's correct.</p> <p>3 Q Do you expect them to be in 2022?</p> <p>4 A Once requirements are developed, training</p> <p>5 activities should be included as a part of that.</p> <p>6 Q Do you think that those training activities will</p> <p>7 take place in 2022?</p> <p>8 A I do not know.</p> <p>9 Q Let's do Question 18 here, Will there be any</p> <p>10 special reporting requirements for voters with</p> <p>11 print disabilities? What does that question mean?</p> <p>12 A So this question asks are there any special</p> <p>13 reporting requirements, meaning how to categorize</p> <p>14 which voters sent in this new combined application</p> <p>15 and a way to query that data so that it's reflected</p> <p>16 on reports.</p> <p>17 Q So how to count voters with print disabilities who</p> <p>18 request an accessible absentee process, how to</p> <p>19 count them separately from other voters?</p> <p>20 A Yes, but this question also includes which voters</p> <p>21 have print disabilities and which voters have</p> <p>22 submitted the combined new form.</p> <p>23 Q So now that I understand what the question means,</p> <p>24 what was the answer?</p> <p>25 A They were unsure, so there was no answer.</p>	<p style="text-align: right;">Page 87</p> <p>1 your screen?</p> <p>2 A Yes.</p> <p>3 Q Great. And do you also have a local copy open if</p> <p>4 you need it?</p> <p>5 A Yes.</p> <p>6 Q Great. Do you recognize this document?</p> <p>7 A Yes.</p> <p>8 Q What is it?</p> <p>9 A It's an e-mail from Andrew Lang to myself and</p> <p>10 Tom White and Brandon Clifton and they shared</p> <p>11 information from some of their research from other</p> <p>12 states that had similar programs.</p> <p>13 Q So you had a phone call with these folks earlier on</p> <p>14 May 5; is that right?</p> <p>15 A Yes.</p> <p>16 Q Before this document was sent?</p> <p>17 A Correct.</p> <p>18 Q Do you recall what the topic of that conversation</p> <p>19 was?</p> <p>20 A I believe you had shared your screen and showed an</p> <p>21 e-mail around late April. I specifically contacted</p> <p>22 Brandon Clifton and Andrew Lang via phone call and</p> <p>23 asked them if they wanted Baker Tilly to put</p> <p>24 together a proposal for activities and</p> <p>25 deliverables. They indicated that they just wanted</p>
<p style="text-align: right;">Page 86</p> <p>1 Q All right. So, Mr. Cooper, is there anything else</p> <p>2 that's on this list that you feel was important at</p> <p>3 the time or is important now that we haven't</p> <p>4 already talked about?</p> <p>5 A No.</p> <p>6 Q We've already hit the important stuff?</p> <p>7 A Yes.</p> <p>8 MS. BRANDT-YOUNG: All right. In that case</p> <p>9 it's 4:04 Eastern by my count. Mr. Flaherty, how</p> <p>10 long would you like? That question goes to anybody</p> <p>11 on this call. How long would you all like for a</p> <p>12 break?</p> <p>13 MR. FLAHERTY: Seth, what are your druthers?</p> <p>14 THE WITNESS: Five minutes.</p> <p>15 MS. BRANDT-YOUNG: Okay.</p> <p>16 MR. FLAHERTY: Sounds good.</p> <p>17 MS. BRANDT-YOUNG: Great. We'll take a</p> <p>18 five-minute break. We'll be back at 3:10 Central,</p> <p>19 4:10 Eastern. Thanks, everyone.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 (A brief recess was taken.)</p> <p>22 MS. BRANDT-YOUNG: All right. So let's mark</p> <p>23 another document. This will be Exhibit 5 and the</p> <p>24 Bates stamp is BTUS17.</p> <p>25 Q Mr. Cooper, do you see an e-mail document up on</p>	<p style="text-align: right;">Page 88</p> <p>1 some initial thoughts and that they were compiling</p> <p>2 resources and would share them with our team.</p> <p>3 Q So is it fair to say that the attachments here,</p> <p>4 which are entitled Details on New Mexico</p> <p>5 program.docx and Memo re defining blind and</p> <p>6 visually impaired voters.docx, those would have</p> <p>7 been written by Andrew Lang or someone at the</p> <p>8 Secretary of State's office?</p> <p>9 A I don't know.</p> <p>10 Q There's a sentence that says, In addition to Maine,</p> <p>11 New Mexico, Michigan, Maryland, West Virginia, and</p> <p>12 Ohio's programs may serve as examples for our own.</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Does that mean that when you spoke with them</p> <p>16 earlier that day you discussed the Maine program?</p> <p>17 A I recall there being discussion on a call</p> <p>18 specifically about Maine. I don't remember the</p> <p>19 context and if it was before or after this e-mail.</p> <p>20 Q So regarding the Maine program, what facets of the</p> <p>21 Maine program were discussed?</p> <p>22 A I don't remember.</p> <p>23 Q Do you remember coming away from the conversation</p> <p>24 thinking that there were any aspects of the Maine</p> <p>25 program that Indiana should duplicate?</p>

<p style="text-align: right;">Page 89</p> <p>1 A No. We don't advise at that level. We react based 2 on what the State wants to do.</p> <p>3 Q Do you recall having any reactions to follow-up on 4 based on what the State thought of the Maine 5 program?</p> <p>6 A No. The only thing I recall is that 7 self-certification was a topic.</p> <p>8 Q So looking at the statement, In addition to Maine, 9 New Mexico, Michigan, Maryland, West Virginia, and 10 Ohio's programs may serve as examples for our own, 11 to your knowledge, did Baker Tilly or Civix or SPR 12 or any organization look into the programs in those 13 states?</p> <p>14 A I don't know.</p> <p>15 Q Are you aware that anyone from Baker Tilly did?</p> <p>16 A We clicked on the links that Andrew provided in 17 this e-mail and we reviewed -- we being 18 Baker Tilly -- the attachments on this e-mail, but 19 we didn't do any additional research.</p> <p>20 Q Other than self-certification, do you remember any 21 facets of Maine, New Mexico, Michigan, Maryland, 22 West Virginia, or Ohio programs that were 23 attractive to anyone during your conversations 24 about them?</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 91</p> <p>1 Q Mr. Cooper, can you see a MEMORANDUM entitled 2 Print Disabled Voter Definition, also known as 3 BTUS15?</p> <p>4 A Yes.</p> <p>5 Q Great. And do you have your own local copy open?</p> <p>6 A Yes.</p> <p>7 Q So do you recognize what this is?</p> <p>8 A Vaguely, yes.</p> <p>9 Q Is this the attachment to the prior e-mail that we 10 were looking at?</p> <p>11 A I believe so.</p> <p>12 Q Yes, specifically Memo re defining blind and 13 visually impaired voters.docx. So if you could 14 scroll through this document for a moment, is this 15 the one that you said had information about Maine 16 that you found interesting?</p> <p>17 (Witness reviewing document)</p> <p>18 A This is not the document I referred to earlier, but 19 I have just read through this document.</p> <p>20 Q So looking on the top of page 1 here, there's a 21 definition from the Reading Rights Coalition of the 22 term "print disability" as, A person who cannot 23 effectively read print because of a visual, 24 physical, perceptual, developmental, cognitive, or 25 learning disability.</p>
<p style="text-align: right;">Page 90</p> <p>1 Q When you all clicked through and looked at 2 information about the Michigan web program, was 3 there anything memorable or admirable about those 4 that you thought that Indiana should also consider?</p> <p>5 A I don't recall and we didn't advise on anything 6 that was being done from other states.</p> <p>7 Q Do you remember having any reactions based on the 8 Michigan program about things that you thought they 9 were doing well or doing badly?</p> <p>10 A I don't recall.</p> <p>11 Q What about Maryland? Do you recall having any 12 reactions to the Maryland program about what they 13 were doing well or what they were doing badly?</p> <p>14 A I don't recall. The only state that sticks out is 15 Maine, and that was in -- I don't recall off the 16 top of my head what stuck out but it's in one of 17 the documents that was provided.</p> <p>18 Q All right. So if you could take a look at those 19 attachments there, Details on New Mexico 20 program.docx and Memo re defining blind and 21 visually impaired voters.docx, if you could keep 22 those in mind, that would be helpful.</p> <p>23 MS. BRANDT-YOUNG: We're going to mark as 24 Exhibit 6 BTUS15.</p> <p>25 A Okay.</p>	<p style="text-align: right;">Page 92</p> <p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q At the bottom of the page under Michigan, there's a 4 definition that says, persons who are visually 5 impaired, those with learning disabilities, as well 6 those with a physical disability that interferes 7 with holding and manipulating paper or a pen or 8 pencil.</p> <p>9 See that?</p> <p>10 A Yes.</p> <p>11 Q In the discussions that Baker Tilly had with the 12 State of Indiana, with Civix, and with Bosma, is it 13 fair to say that absentee ballots for blind voters 14 were specifically considered?</p> <p>15 A My understanding is ballots were never discussed.</p> <p>16 Q I'm sorry. Let me rephrase that. In all those 17 discussions is your understanding that absentee 18 voting for blind voters was considered?</p> <p>19 A I think it was considered in the form of a 20 question, but I don't know how far the State 21 considered that or not.</p> <p>22 Q Well, so what I'm trying to get at is which 23 disabilities was the State planning to provide for 24 as it provided for voters with print disabilities. 25 Were blind voters under contemplation, as you</p>

<p style="text-align: right;">Page 93</p> <p>1 understood the discussions?</p> <p>2 A I don't know. All that we had was the legislation.</p> <p>3 Can you scroll up to the top?</p> <p>4 (Attorney scrolling on screen)</p> <p>5 A The prior e-mail was sent to us on May 5, 2021. We</p> <p>6 were already informed the legislation had passed at</p> <p>7 that time.</p> <p>8 Q So at the time that you received this e-mail</p> <p>9 attaching this MEMORANDUM, which disabilities were</p> <p>10 under consideration for inclusion in the program</p> <p>11 that was being developed?</p> <p>12 A Well, the legislation that was provided to us</p> <p>13 referred to it as print disabilities, and in the</p> <p>14 open questions we had the question of what is a</p> <p>15 print disability.</p> <p>16 Q Did you understand that this MEMORANDUM was meant</p> <p>17 to answer that question, at least in part?</p> <p>18 A Yeah, I don't know.</p> <p>19 Q So setting aside the question of this particular</p> <p>20 MEMORANDUM, in the conversations that you had with</p> <p>21 the Indiana Secretary of State or Election Division</p> <p>22 around developing an application form for voter</p> <p>23 registration and absentee ballot application for</p> <p>24 voters with print disabilities, which disabilities</p> <p>25 did you understand that you were considering?</p>	<p style="text-align: right;">Page 95</p> <p>1 A Not that I can recall.</p> <p>2 Q Can we go back for a moment to something that you</p> <p>3 said previously, which is that ballots were never</p> <p>4 discussed? Do I understand that correctly?</p> <p>5 A Correct.</p> <p>6 Q And when you say that, does that mean that there</p> <p>7 was no discussion of adding an online voting</p> <p>8 component for casting one's ballot on</p> <p>9 indianavoters.com or any other similar portal?</p> <p>10 A Can I ask you to repeat the question one more time?</p> <p>11 Q Does that mean that no one discussed adding an</p> <p>12 accessible electronic balloting component to</p> <p>13 indianavoters.com or any other similar portal?</p> <p>14 A I recall it being discussed at that level, and what</p> <p>15 the State had responded with is it was specifically</p> <p>16 to model the UOCAVA process, which only included</p> <p>17 the voter registration and absentee ballot</p> <p>18 application, and then at that point ballot</p> <p>19 submission wasn't ever discussed.</p> <p>20 Q Online web ballot submission was never discussed;</p> <p>21 is that right?</p> <p>22 A That's correct.</p> <p>23 MS. BRANDT-YOUNG: All right. Let's skip to</p> <p>24 BTUS27, which we'll mark now as Exhibit 7.</p> <p>25 Q Mr. Cooper, do you see BTUS27 up on the screen and</p>
<p style="text-align: right;">Page 94</p> <p>1 A When we had asked that question, the State had</p> <p>2 pointed us to the Indiana legislation that defined</p> <p>3 voters with print disabilities. So I would refer</p> <p>4 you to that legislation. I don't have it in front</p> <p>5 of me.</p> <p>6 Q Okay. Do you recall whether blind voters were</p> <p>7 included?</p> <p>8 A I don't know.</p> <p>9 Q Do you recall whether voters with dexterity</p> <p>10 disabilities were included?</p> <p>11 A I don't know.</p> <p>12 Q Do you recall whether voters with learning</p> <p>13 disabilities were included?</p> <p>14 A I don't know.</p> <p>15 Q Were there any conversations at any time during</p> <p>16 this process discussing which equipment people with</p> <p>17 specific disabilities would use in order to fill</p> <p>18 out the joint voter registration and absentee</p> <p>19 ballot application?</p> <p>20 A Yes. There was discussion of leveraging the WCAG,</p> <p>21 which would infer that screen readers would be</p> <p>22 used, and screen readers were specifically</p> <p>23 discussed in some meetings.</p> <p>24 Q Were there any other assistive technologies that</p> <p>25 were discussed that you recall?</p>	<p style="text-align: right;">Page 96</p> <p>1 do you have it open on your own device?</p> <p>2 A Yes.</p> <p>3 Q Good. Thank you. Do you recognize this?</p> <p>4 A Vaguely.</p> <p>5 Q I'm going to represent to you that I believe that</p> <p>6 this is the attachment from BTUS17. You'll recall</p> <p>7 that that had two attachments called Details on</p> <p>8 New Mexico program.docx and Memo re defining blind</p> <p>9 and visually impaired voters.docx. If it would</p> <p>10 help to go back to look at that e-mail, we can</p> <p>11 absolutely do that.</p> <p>12 A What was the original BTUS for the e-mail?</p> <p>13 MR. FLAHERTY: 17.</p> <p>14 MS. BRANDT-YOUNG: Indeed.</p> <p>15 (Witness reviewing document)</p> <p>16 A Okay. I would assume that to be the case.</p> <p>17 Q Great. So looking at BTUS27, the details on the</p> <p>18 New Mexico program, do you recall reading this?</p> <p>19 A I don't recall reading it.</p> <p>20 Q So you had said previously when you received the</p> <p>21 e-mail attaching this document from the</p> <p>22 Secretary of State that you clicked through the</p> <p>23 links on the Maryland and Michigan programs there</p> <p>24 and read the attachments, and this is one of the</p> <p>25 attachments. Are you saying that you don't recall</p>

<p style="text-align: right;">Page 97</p> <p>1 whether you read it or are you saying that you read 2 it but you don't recall any of the contents? 3 A I don't recall if I read this document or not. 4 Q Did anyone at Baker Tilly read this, if you know? 5 A I don't know. 6 Q Did you have an understanding of why the 7 Secretary of State sent it to you? 8 A No. 9 Q Did Baker Tilly share this document with Civix or 10 anyone else? 11 A Not that I can recall. 12 Q All right. So let's go to .pdf page 2 and the 13 second-to-last paragraph. 14 A Okay. 15 Q There's a sentence here that says, under the 16 New Mexico system, The voter must provide their 17 state-issued identification number, date-of-birth, 18 and Social Security Number and execute a 19 certificate affirming blindness and visual 20 impairment, and therefore eligibility, to the 21 accessible ballot delivery and marking feature. 22 Do you see that? 23 A Yes. 24 Q Does the state-issued identification number, date 25 of birth, and Social Security number constitute</p>	<p style="text-align: right;">Page 99</p> <p>1 link to access the ballot marking tool and an 2 absentee ballot will be emailed to the voter within 3 24 hours of the approval of their application. In 4 order for the ballot to be accessed, the voter must 5 enter the same personal identification information 6 provided upon application. 7 So that would be the credential information 8 that we discussed previously -- right? -- the 9 Social Security number, state ID number, and date 10 of birth? Is that how that would work? 11 A I would assume so. 12 Q Then going on to the next sentence, This 13 authentication process also includes the 14 verification of a distinctive character string 15 issued to the specific voter upon application. The 16 combination of the character string, along with the 17 personal identification information, must match in 18 order for the voter to access the ballot. 19 Do you see that? 20 A Yes. 21 Q Regarding the distinctive character string issued 22 to the specific voter upon application, do you feel 23 like you have a sense of what that is? 24 A I have a sense of what that is, yes. 25 Q Can you explain what you understand based on the</p>
<p style="text-align: right;">Page 98</p> <p>1 credentials of the type that you were discussing 2 before in the open questions document? 3 A Yes. I believe in this case those are examples of 4 credentials. 5 Q Likewise, under this program the voter had to 6 execute a certificate affirming blindness and 7 visual impairment, and therefore eligibility, to 8 the accessible ballot delivery and marking feature. 9 Is that the self-certification that you were 10 discussing earlier? 11 A I do not know. 12 Q Is it technically feasible for someone to code 13 something similar to this on indianavoters.com? 14 A I do not know. I don't know what an accessible 15 ballot delivery and marking feature is. 16 Q Oh, sorry. I assumed this was just an accessible 17 ballot application rather than the accessible 18 ballot delivery and marking feature itself. So 19 question withdrawn. 20 A Okay. 21 Q Let's go to page 4, underneath the text box here. 22 So what it says in the middle of page 4 is, 23 Immediately after the absentee application has been 24 submitted, the voter will receive an email when 25 their application is accepted by the county with a</p>	<p style="text-align: right;">Page 100</p> <p>1 information provided here? 2 A My understanding of this is that a unique character 3 string has to be developed to properly match the 4 person that's in the voter registration system with 5 the application with their ballot and they're 6 connecting those three data points through this 7 unique character string that's generated. 8 Q So fair to say that the only people who will get a 9 unique character string generated are people who 10 apply for an accessible absentee ballot in the 11 New Mexico system; is that right? 12 MR. FLAHERTY: Object to the form of the 13 question. 14 A I don't know. 15 Q So if there's a distinctive character string issued 16 to the specific voter upon application, does that 17 mean application for the accessible absentee ballot 18 since that's what the memo here is about? 19 A Distinctive can mean two things in this context. 20 Distinctive could mean a unique character string is 21 being developed specifically for this process or 22 distinctive could mean that it's just a unique 23 character string compared to other voters but that 24 doesn't preclude that that character string isn't 25 being used for other processes within the</p>

<p style="text-align: right;">Page 101</p> <p>1 New Mexico system.</p> <p>2 Q Thank you. That's very helpful. Is it your</p> <p>3 understanding that every registered voter in the</p> <p>4 SVRS has a distinctive number applied to them</p> <p>5 already?</p> <p>6 A Yes.</p> <p>7 Q Do I understand you correctly that a new one could</p> <p>8 also be issued just for the accessible absentee</p> <p>9 voters if the State chose to do that?</p> <p>10 A Yes. A new or expanded string I believe could be</p> <p>11 developed but would need to be confirmed by a</p> <p>12 development vendor.</p> <p>13 Q Would that process probably be automated?</p> <p>14 A I don't know, but with time and money I think a</p> <p>15 requirement could be developed.</p> <p>16 Q Is it fair to say that the unique character string</p> <p>17 is a safety feature or a security feature?</p> <p>18 A I think that is a perspective that could be viewed,</p> <p>19 yes.</p> <p>20 Q Based on this memo what's the most likely reason</p> <p>21 for issuing a distinctive character string and</p> <p>22 requiring that it be provided when the voter signs</p> <p>23 in to vote?</p> <p>24 A I think the two likely purposes are security and</p> <p>25 identity matching.</p>	<p style="text-align: right;">Page 103</p> <p>1 Bill Thomas, Jr., living at the same address, they</p> <p>2 might be two unique individual voters but have very</p> <p>3 similar credential information? Is that a fair</p> <p>4 example?</p> <p>5 A Correct. And you can even have Joe Smith in one</p> <p>6 house and Joe Smith in a different house and they</p> <p>7 both have the same last four Social Security number</p> <p>8 too.</p> <p>9 Q So from either a security perspective or an</p> <p>10 identity matching perspective, assuming all Indiana</p> <p>11 voters already have their own unique voter</p> <p>12 registration number, would it nonetheless be a good</p> <p>13 idea to issue a new unique character identification</p> <p>14 string when people register to vote with accessible</p> <p>15 absentee ballots?</p> <p>16 MR. FLAHERTY: Object to the form of the</p> <p>17 question.</p> <p>18 Q You can answer the question if you understood it.</p> <p>19 A I didn't understand the question.</p> <p>20 Q Okay. I'll try and repeat it. From a security and</p> <p>21 identity matching perspective, would it be better</p> <p>22 for the State to just rely on the existing numbers</p> <p>23 already associated with all Indiana voters or would</p> <p>24 it be better to also issue a new character string</p> <p>25 just for accessible absentee ballot voters?</p>
<p style="text-align: right;">Page 102</p> <p>1 Q Can you tell us more about how this would function</p> <p>2 as a security feature?</p> <p>3 A From a credential standpoint you want layers of</p> <p>4 protection that would prevent another voter,</p> <p>5 whether it was intentful or unintentional, you would</p> <p>6 want to prevent another voter from being able to</p> <p>7 request a ballot that would be someone else's</p> <p>8 account essentially. And you would want a</p> <p>9 character string to be unique for each application</p> <p>10 so that you could track if there are subsequent</p> <p>11 applications that are being generated for one</p> <p>12 person so that one person cannot have more than one</p> <p>13 vote.</p> <p>14 Q Tell us about the identity matching function. How</p> <p>15 is that different from a security function?</p> <p>16 A It's more from a data perspective in being able</p> <p>17 from a systematic standpoint to find that</p> <p>18 application, to find that ballot, and apply it to</p> <p>19 the right individual. Within almost any voter</p> <p>20 registration in almost any state, there are going</p> <p>21 to be multiple individuals with similar names that</p> <p>22 may even have similar credentials, and there's been</p> <p>23 a lot of studies on the challenges of identity</p> <p>24 matching across other states.</p> <p>25 Q So, for instance, if there were a Bill Thomas and a</p>	<p style="text-align: right;">Page 104</p> <p>1 A I don't know that I can answer that question. It</p> <p>2 would really depend on what's feasible from a</p> <p>3 systematic standpoint and what the State would be</p> <p>4 in agreement with and if there are currently unique</p> <p>5 numbers generated at the ballot application level.</p> <p>6 Q Tell me what you mean by the ballot application</p> <p>7 level, please.</p> <p>8 A If the current system only has a unique character</p> <p>9 string that's at the voter level, that wouldn't</p> <p>10 solve the purpose because I could submit multiple</p> <p>11 applications and no new character strings are</p> <p>12 generated. So you have to have a character string</p> <p>13 at the application level for this to work and that</p> <p>14 character string has to match the voter. So if I</p> <p>15 understand the question, it was, well, what would</p> <p>16 you advise, the new or the existing. I can't</p> <p>17 advise that.</p> <p>18 Q Now I understand your answer. Thank you. Let's go</p> <p>19 to page 5. At the bottom of page 5 you'll see a</p> <p>20 table on the usage of the ballot, and how I read</p> <p>21 this table is that in the 2018 general election the</p> <p>22 number of accessible absentee ballots cast in</p> <p>23 New Mexico was 64. Do you see that?</p> <p>24 A Yes.</p> <p>25 Q And obviously 2018 is a pre-pandemic number; right?</p>

<p style="text-align: right;">Page 105</p> <p>1 A Correct.</p> <p>2 Q Was there any discussion at any time during your</p> <p>3 work on accessible absentee voting with the</p> <p>4 State of Indiana on the number of voters that they</p> <p>5 predicted would actually cast their accessible</p> <p>6 absentee ballots?</p> <p>7 A There wasn't discussion of this table specifically.</p> <p>8 There was general discussion of volume, and that</p> <p>9 discussion ranged approximately several hundred to</p> <p>10 a thousand.</p> <p>11 Q In context, was that considered an expected high</p> <p>12 volume or an expected low volume in the overall</p> <p>13 context of the election?</p> <p>14 A I'm unsure because the State shared those numbers</p> <p>15 and indicated it was based on research from other</p> <p>16 states.</p> <p>17 Q How many votes usually get cast in an Indiana</p> <p>18 election, if you know?</p> <p>19 A I don't know off the top of my head.</p> <p>20 MS. BRANDT-YOUNG: All right. So let's go</p> <p>21 ahead and close this document and we're going to</p> <p>22 mark as Exhibit 8 BTUS33.</p> <p>23 Q So do you have BTUS33 open, sir, and can you see</p> <p>24 it?</p> <p>25 A Yes to both.</p>	<p style="text-align: right;">Page 107</p> <p>1 A Yes.</p> <p>2 Q And did you attend that meeting?</p> <p>3 A Yes.</p> <p>4 Q Do you recall if any of these people attended or</p> <p>5 didn't attend that meeting?</p> <p>6 A I don't remember Tom Ferguson's name or I just</p> <p>7 don't recall and I don't recall Marissa Lynch, but</p> <p>8 I believe the other individuals did attend.</p> <p>9 Q Then the top half reflects that Thomas White sent</p> <p>10 out a document to this group after the meeting</p> <p>11 entitled Senate Enrolled Act 398 Discussion. Does</p> <p>12 that seem fair?</p> <p>13 A Can you scroll back down?</p> <p>14 (Attorney scrolling on screen)</p> <p>15 A So it wasn't after the meeting, it was before.</p> <p>16 Q Oh, I see. Thank you. So the document was</p> <p>17 discussed at the meeting? Is that a better way to</p> <p>18 phrase it?</p> <p>19 A That's correct, yes.</p> <p>20 Q All right. Well, let's go to that one then, or</p> <p>21 what I believe to be that one. You'll tell me.</p> <p>22 MS. BRANDT-YOUNG: We'll mark as Exhibit 9</p> <p>23 BTUS34.</p> <p>24 A Okay.</p> <p>25 Q Do you have BTUS34 open on your device and/or can</p>
<p style="text-align: right;">Page 106</p> <p>1 Q Great. Have you ever seen this document before?</p> <p>2 A Yes.</p> <p>3 Q What is it?</p> <p>4 A This is an e-mail from Tom White to the meeting</p> <p>5 attendees that the State had provided that was for</p> <p>6 a mid-May discussion.</p> <p>7 Q So looking at the recipients of this e-mail, what</p> <p>8 organizations or subdivisions of the State do you</p> <p>9 see represented?</p> <p>10 A Just the Secretary of State office from the State</p> <p>11 perspective.</p> <p>12 Q And any non-State entities here?</p> <p>13 A Yes.</p> <p>14 Q Which ones?</p> <p>15 A Baker Tilly, Bosma, Civix, and I don't recall who</p> <p>16 Marissa Lynch or Tom Ferguson is.</p> <p>17 Q So which ones are from Civix?</p> <p>18 A Sean Fahey, Karen Gee, and Thelma Van.</p> <p>19 Q Which ones are from Bosma?</p> <p>20 A The only one that I believe is the e-mail address</p> <p>21 that's shown @bosma.org.</p> <p>22 Q Scrolling down to the bottom half of the page,</p> <p>23 there's a meeting appointment that I think has all</p> <p>24 the same people copied on it. Do you agree that</p> <p>25 that's what this does?</p>	<p style="text-align: right;">Page 108</p> <p>1 you see it on my screen?</p> <p>2 A Yes to both.</p> <p>3 Q Great. Do you recognize this?</p> <p>4 A Yes.</p> <p>5 Q Lovely. What is it?</p> <p>6 A So Brandon Clifton had asked us to prepare a deck</p> <p>7 to level set the conversation and share some of the</p> <p>8 key background information that was in the past</p> <p>9 month prior to this meeting, and so the first slide</p> <p>10 was our understanding from those discussions from</p> <p>11 the State and then the scoping matrix is what we</p> <p>12 had included in the subsequent pages so that the</p> <p>13 State and Baker Tilly could talk through those</p> <p>14 options so the State could get Bosma's feedback.</p> <p>15 Q Great. So let's head on down to page 2. Before we</p> <p>16 start working on that, who was the primary author</p> <p>17 of this document, if any?</p> <p>18 A Baker Tilly.</p> <p>19 Q Who at Baker Tilly?</p> <p>20 A Myself.</p> <p>21 Q And I believe you just said, looking at .pdf page 2</p> <p>22 under the heading of Senate Enrolled Act 398</p> <p>23 Discussion - Our Understanding, these were the</p> <p>24 understandings that you got from talking to people</p> <p>25 at the State; is that right?</p>

<p style="text-align: right;">Page 109</p> <p>1 A That's correct.</p> <p>2 Q And No. 6, that Baker Tilly researched the Maine accessible electronic ballot implementation, how did Baker Tilly choose Maine?</p> <p>3 accessible electronic ballot implementation, how</p> <p>4 did Baker Tilly choose Maine?</p> <p>5 A I don't recall, but I believe the State had</p> <p>6 mentioned Maine at some point.</p> <p>7 Q Do you remember what they said about Maine?</p> <p>8 A I believe the conversation about Maine was that</p> <p>9 Maine implemented a fully-integrated electronic</p> <p>10 system from application to ballot.</p> <p>11 Q Can you explain more what you mean by a</p> <p>12 fully-integrated system?</p> <p>13 A Fully electronic.</p> <p>14 Q So all steps of voting could be done entirely</p> <p>15 through an HTML-based process? Is that what you</p> <p>16 mean?</p> <p>17 A I don't know what HTML process refers to.</p> <p>18 Q Well, what we're trying to figure out here is what</p> <p>19 you meant by fully automated process, so can you</p> <p>20 explain that for me one more time?</p> <p>21 A Yeah. So and I don't know that Maine's program</p> <p>22 works this way, but I'll describe my understanding</p> <p>23 of a fully electronic implementation. A voter</p> <p>24 accesses a website; they submit their information</p> <p>25 by clicking a submit button; that information would</p>	<p style="text-align: right;">Page 111</p> <p>1 better terminology.</p> <p>2 Q Okay. So looking here at No. 6, it says that,</p> <p>3 Baker Tilly researched the Maine accessible</p> <p>4 electronic ballot implementation, which introduces</p> <p>5 new scope compared to only leveraging Indiana's</p> <p>6 UOCAVA processes - though they can also work in</p> <p>7 tandem as a hybrid solution.</p> <p>8 Does introduces new scope mean that it</p> <p>9 involved these website transmissions as opposed to</p> <p>10 only transmitting a ballot through e-mail and fax?</p> <p>11 A Yes, that's correct.</p> <p>12 Q So whose idea was it to introduce the possibility</p> <p>13 of this new scope? Baker Tilly's or Indiana's or</p> <p>14 someone else's?</p> <p>15 A It was a collection of options through discussions</p> <p>16 with Civix and the State. The State had indicated</p> <p>17 that they would like to see a scoping matrix of all</p> <p>18 options.</p> <p>19 Q And website transmission is one of the options?</p> <p>20 A Yeah.</p> <p>21 And can I actually clarify a comment I just</p> <p>22 made?</p> <p>23 Q Sure.</p> <p>24 A When we had facilitated the open questions document</p> <p>25 that we reviewed earlier, one of the questions was</p>
<p style="text-align: right;">Page 110</p> <p>1 go through, like, a voter registration system for</p> <p>2 counties to review and approve; and then that</p> <p>3 information would be sent back to the voter so that</p> <p>4 they could log on to some type of electronic</p> <p>5 interface and electronically complete the ballot</p> <p>6 versus having a ballot mailed to them or having to</p> <p>7 return it via e-mail or fax. So all done</p> <p>8 electronically. And then once they submitted that</p> <p>9 ballot, it would go back through the voter</p> <p>10 registration system back to the counties.</p> <p>11 Q So when you say all electronic here, what</p> <p>12 electronic formats can be included in what you're</p> <p>13 envisioning here?</p> <p>14 A I think there's many. Can you clarify the</p> <p>15 question?</p> <p>16 Q Maybe a better way to put it is: Do you mean that</p> <p>17 in a fully-integrated electronic system that the</p> <p>18 entire voting process can be completed by</p> <p>19 interacting with websites?</p> <p>20 A Yes.</p> <p>21 Q Okay.</p> <p>22 A Between interacting with websites and assistive</p> <p>23 technology from the voter's perspective, yes.</p> <p>24 Q So by via e-mail, not via fax?</p> <p>25 A Correct. Through website transmission might be a</p>	<p style="text-align: right;">Page 112</p> <p>1 around how much technology do you want to leverage</p> <p>2 to implement maybe a fully electronic website</p> <p>3 transmission-based option. The State indicated</p> <p>4 include one that we referred to as manual, which is</p> <p>5 like the UOCAVA process, include the web electronic</p> <p>6 transmission.</p> <p>7 And then after we created those two options,</p> <p>8 we realized that there was a hybrid option that</p> <p>9 could be leveraged as well. So that led us to</p> <p>10 three options, which is in the rest of this deck,</p> <p>11 and so No. 6 is a segue bullet to then review</p> <p>12 what's on the scoping matrix on the remaining</p> <p>13 slides.</p> <p>14 Q Looking at item 6.ii. here, The Maine accessible</p> <p>15 absentee ballot was developed in coordination with</p> <p>16 the State's online service provider, InforME, with</p> <p>17 input from advocates at Disability Rights Maine. A</p> <p>18 similar stakeholder model for Indiana Disability</p> <p>19 Rights group would be recommended as part of a</p> <p>20 steering committee.</p> <p>21 Why is a stakeholder model here a good thing?</p> <p>22 A So in general with any project you want leadership</p> <p>23 and expertise to be part of the team that is not</p> <p>24 only making decisions but helping to resolve normal</p> <p>25 challenges that occur on any project, and in the</p>

<p style="text-align: right;">Page 113</p> <p>1 past projects tend to have a higher success rate</p> <p>2 when you bring those individuals early on into a</p> <p>3 steering committee.</p> <p>4 Q So fair to say you can learn about and solve</p> <p>5 problems faster when all the relevant stakeholders</p> <p>6 are consulted early?</p> <p>7 A Correct.</p> <p>8 Q To your knowledge, has any stakeholder group been</p> <p>9 put together for this process in Indiana so far?</p> <p>10 A Not that I'm aware of. The only interaction I'm</p> <p>11 aware of is that the State was working with Bosma</p> <p>12 to some extent, but I don't know at what level.</p> <p>13 Q The next subheading here says that, Maine</p> <p>14 contracted with an expert accessibility staff to</p> <p>15 help troubleshoot any ballot or technical issues</p> <p>16 that came up through the process.</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q What does expert accessibility staff mean to you</p> <p>20 here?</p> <p>21 A So because Maine had ballot transmission</p> <p>22 capabilities, there could be any types of questions</p> <p>23 or voter challenges or voter issues that could come</p> <p>24 from the voting process overall down to an</p> <p>25 accessibility-based challenge or issue down to a</p>	<p style="text-align: right;">Page 115</p> <p>1 A The scope items were developed by Baker Tilly based</p> <p>2 on the current voting process from a technical lens</p> <p>3 that correspond to the State's ask. So we tried to</p> <p>4 break up the different process steps to understand</p> <p>5 what the State wants to implement.</p> <p>6 Q The column to this table after Scope Item, heading</p> <p>7 from left to right, Option 1: Leverage UOCAVA</p> <p>8 Workflow. What does that mean?</p> <p>9 A This is the option that the State had indicated to</p> <p>10 include that was based on expanding the UOCAVA</p> <p>11 process for voters with print disabilities and only</p> <p>12 utilizing electronic mail or fax.</p> <p>13 Q Then Option 2: Build Accessible Absentee</p> <p>14 Application & Ballot Submission Portal, also known</p> <p>15 as Web Publication. Can you explain what that is?</p> <p>16 A Yeah. So the legislation had web publication and</p> <p>17 we were uncertain if that meant website, and so</p> <p>18 when we had asked that question in the open</p> <p>19 questions discussion they referenced to include an</p> <p>20 option that would be fully electronic. That meant</p> <p>21 submitting an absentee application and ballot</p> <p>22 submission within a portal. Whether that was a new</p> <p>23 website or the existing IndianaVoters site, those</p> <p>24 capabilities would be needed to send everything</p> <p>25 electronically.</p>
<p style="text-align: right;">Page 114</p> <p>1 technical website issue. Our understanding is that</p> <p>2 Maine had hired some staff to manage those types of</p> <p>3 inquiries, regardless of where they were on that</p> <p>4 scale. We don't know how much they were</p> <p>5 coordinating or had the capacity to respond to</p> <p>6 those, but they had dedicated staff for those</p> <p>7 inquiries.</p> <p>8 Q It says here that Maine contracted with an expert</p> <p>9 accessibility staff, which says to me that it was a</p> <p>10 contract with an outside vendor. Am I</p> <p>11 understanding that correctly or no?</p> <p>12 A We don't know for sure, but that was assumed based</p> <p>13 on the information that we researched on the Maine</p> <p>14 website.</p> <p>15 Q Can you think of any outside vendors that you would</p> <p>16 use for such a purpose if you needed to recommend</p> <p>17 them?</p> <p>18 A I cannot. I would recommend the State contact</p> <p>19 multiple disability rights groups.</p> <p>20 Q All right. So let's head on down to page 3 of this</p> <p>21 document. So finally here are the options that you</p> <p>22 developed, and I'll note for the record this</p> <p>23 information is presented as a table and the</p> <p>24 left-most column is entitled Scope Item. Where did</p> <p>25 these scope items come from?</p>	<p style="text-align: right;">Page 116</p> <p>1 Q Then Option 3: Hybrid. Can you explain what that</p> <p>2 means?</p> <p>3 A Yes. Option 3 was intended to incorporate both</p> <p>4 Option 1 and Option 2.</p> <p>5 Q So a voter with a print disability would have the</p> <p>6 ability to submit a ballot by e-mail, by fax, or</p> <p>7 through a web portal?</p> <p>8 A Correct.</p> <p>9 Q Did Baker Tilly make a recommendation for one of</p> <p>10 these options in particular?</p> <p>11 A No.</p> <p>12 Q Did you have one that you thought was the best one?</p> <p>13 A Best practices in history on past projects always</p> <p>14 suggest that more methods tend to yield better</p> <p>15 results and a better customer experience, so based</p> <p>16 on that Option 3 would have more methods for</p> <p>17 voters, but there's also the trade-off on costs</p> <p>18 with more options.</p> <p>19 Q Did you prepare cost estimates for each of these</p> <p>20 options?</p> <p>21 A No. Because there was no decision at the time that</p> <p>22 we reviewed this step.</p> <p>23 Q When you drafted this document that includes the</p> <p>24 possibility of web publication for ballot</p> <p>25 submission in Option 2 and Option 3, were you</p>

<p style="text-align: right;">Page 117</p> <p>1 envisioning that Civix would develop an e-ballot 2 submission application?</p> <p>3 A The actual form? Or the technical component?</p> <p>4 Q I'm not sure I know the difference between those 5 things, so let me ask the question a different way. 6 When you drafted Options 2 and 3 that envision 7 website transmission of ballots, was your 8 expectation that Civix would do all the coding to 9 enable that to happen?</p> <p>10 A I wouldn't call it an expectation. We request 11 information from Civix to understand the general 12 sense of a higher versus lower cost option, but 13 it's ultimately up to the State to determine who 14 would be doing the development.</p> <p>15 Q To your knowledge, does the State of Indiana have 16 an internal group that could have done the coding 17 for website transmission of ballots?</p> <p>18 A I don't know.</p> <p>19 Q Have you ever heard of such a group?</p> <p>20 A Not that I can recall.</p> <p>21 Q When you developed Options 2 and 3, were you 22 envisioning that assuming Civix was selected to do 23 the coding that they would do that coding from 24 scratch or were you envisioning that they would use 25 in part code that had been developed by someone</p>	<p style="text-align: right;">Page 119</p> <p>1 insofar as they involved a website method for 2 transmission of ballots?</p> <p>3 A Generally, yes, but not at a specific level because 4 we still didn't understand what the requirements 5 were. So typically if an option gets selected by 6 the State, during requirements development there 7 will be requirements developed to mitigate risks 8 generally and security risk would be a subset of 9 that.</p> <p>10 Q So at the time that you included Options 2 and 3, 11 is it fair to say that you believed that any 12 security concerns you might have had about 13 submission of ballots via web transmission could be 14 managed and mitigated such that it would be worth 15 it to include it?</p> <p>16 A I think that's the State's decision on what level 17 of risk they're willing to accept for any option 18 that is pursued.</p> <p>19 Q Is it fair to say that you didn't think the risk 20 was so high that that prevented you from including 21 these options here?</p> <p>22 A I don't know what the quantifiable risk is until 23 there's more levels deeper into the planning and 24 the requirements development.</p> <p>25 Q Do I understand correctly that ultimately Indiana</p>
<p style="text-align: right;">Page 118</p> <p>1 else?</p> <p>2 A I didn't envision anything. It never got that far. 3 We were still trying to figure out what the State 4 requirements were.</p> <p>5 Q So did Baker Tilly ever become familiar with 6 products like Democracy Live, Five Cedars, 7 Prime III as part of their scoping of this project?</p> <p>8 A No. I'm not familiar with those terms.</p> <p>9 Q Dominion Voting, VotingWorks? Ever heard of those?</p> <p>10 A Yes. When you reference Dominion Voting, is that 11 the voting system company?</p> <p>12 Q Yes. They have a website transmission tool for 13 voting that they have coded. Are you familiar with 14 that website transmission?</p> <p>15 A No.</p> <p>16 Q And when you developed Options 2 and 3 which 17 involved in part what the State called a web 18 publication method and what I'm going to call a 19 website transmission of ballots method, did you 20 have any security concerns about them that 21 outweighed the usefulness of presenting them to the 22 State and letting the State choose them?</p> <p>23 A Can you clarify the question?</p> <p>24 Q Did you have any information technology security 25 concerns around recommending Options 2 and 3</p>	<p style="text-align: right;">Page 120</p> <p>1 went with Option 1?</p> <p>2 A I believe that to be true.</p> <p>3 Q All right. So let's look at the scope items first. 4 The first item is a Request for Voter Registration 5 Application and the second item is a 6 Voter Registration Application. Did you understand 7 that asking for the form is a different step in the 8 process from filling out the form for a voter 9 registration application?</p> <p>10 A So at this point in the development of these 11 options, what we were attempting to do was include 12 every possible process phase based on what we know 13 of all other voter application and submission and 14 ballot application and submission methods. And so 15 a request for voter registration application can 16 occur for some voters.</p> <p>17 Q Then looking under Voter Registration Application, 18 there's a note under both Option 1 and Option 2 -- 19 it's the second bullet point -- that says, Provide 20 universally accessible pdf (UA/PDF) absentee 21 application that voters can download. 22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q What does that mean?</p> <p>25 A It's a standard -- our understanding of this is</p>

<p style="text-align: right;">Page 121</p> <p>1 it's a standard for the .pdf so that it can be read 2 by screen readers and assistive technologies. 3 Q So this would be a statewide voter registration 4 application form that would be accessible for use 5 with assistive technologies; is that right? 6 A Correct. 7 Q Whose job would it be to make this document an 8 accessible document? 9 A I don't know. 10 Q Was any process for checking the accessibility of 11 the forms developed pursuant to this system, was 12 that discussed as to whose responsibility that 13 would be during the scoping meeting or any other 14 meeting? 15 A It was not directly discussed. In the prior effort 16 that SPR worked with Baker Tilly to do testing of 17 the IndianaVoters public site, there were .pdf 18 forms involved in that effort, and so the State was 19 familiar with that capability and that it could be 20 done. 21 Q When the State had worked with SPR previously, had 22 SPR checked the accessibility of the forms? 23 A The forms that were on the IndianaVoters public 24 site at that time, yes. 25 Q If you know, who made them accessible before SPR</p>	<p style="text-align: right;">Page 123</p> <p>1 standard screen reader (JAWS, NVDA, or VoiceOver). 2 And for the clarity of the record, what does 3 JAWS stand for? 4 A I don't know. I know it's one of the most popular 5 screen reader technologies. 6 Q Well, and that's actually more important than what 7 the acronym stands for. I believe it stands for 8 Job Access With Speech. Then there's NVDA, which I 9 believe stands for -- oh, golly, I'm not even going 10 to get that -- the NonVisual Desktop Application, I 11 believe. Can you explain for the record what that 12 is? 13 A I'm not familiar with NVDA. I'm not familiar with 14 NVDA at all other than it's a recommendation that 15 was in WCAG guidelines and materials. 16 Q As I understand it, it's the second-most popular 17 screen reader application and it's free, which is 18 why it gets recommended a lot. 19 A Okay. 20 Q And then for clarity of the record, if you know, 21 what's VoiceOver? 22 A I believe that's just a text-to-speech function or 23 application and it may be specific to a type of 24 operating system. I'm unsure of that. 25 Q I think VoiceOver is specific to the Mac myself,</p>
<p style="text-align: right;">Page 122</p> <p>1 checked them? 2 A I don't know. I know that the State has a forms 3 management division, but I'm not familiar enough 4 with the responsibilities of that department versus 5 the Election Division versus other entities that 6 might be involved in the process. 7 Q So you didn't come out of any discussions with an 8 understanding of whose job it is to make these 9 forms accessible, but barring any other information 10 you assume it's the Indiana forms office; is that 11 right? 12 A I don't even think I have that level of assumption 13 of how this would get done. We were still trying 14 to figure out what does the State want to achieve 15 and what does the State want to do. 16 Q Well, and I understand that when you were having 17 this discussion about this particular document. At 18 any later time did you become aware of what the 19 plan was for who was going to make all necessary 20 documents accessible? 21 A No. 22 Q There's also the bullet point right below that in 23 Option 1 and Option 2 says that, A new VR 24 application for voters with print disabilities 25 should be developed and tested for use with a</p>	<p style="text-align: right;">Page 124</p> <p>1 but anyway . . . The point is all of these were 2 supposed to be basically standard screen readers; 3 right? 4 A Correct. 5 Q So getting on to the important parts here. Noting 6 that this new application should be developed and 7 tested for use with a standard screen reader, whose 8 job is it to do this testing? Was that determined 9 at any point in the process? 10 A No. 11 Q When you wrote this down, were you expecting that 12 to be done by contractors, by internal staff, by 13 expert users, by end-users? Did you have any 14 content for the testing here? 15 A No. I was unsure. 16 Q And there's already a voter registration 17 application on indianavoters.com; right? 18 A Correct. 19 Q And is it fair to say that Baker Tilly believes 20 that that application complies with the Web Content 21 Access Guidelines because SPR tested it? 22 A I believe the current version of the voter 23 registration application does comply with the 24 WCAG 2.0 standard. 25 Q How do you know?</p>

<p style="text-align: right;">Page 125</p> <p>1 A Because it was tested in accordance with the WCAG 2 guidelines and then subsequently tested through 3 usability studies of up to 20 users that were using 4 different technologies.</p> <p>5 Q Who did that testing?</p> <p>6 A SPR.</p> <p>7 Q In terms of the voter registration application 8 located at indianavoters.com, do voters have to 9 print and hand-sign that form and then send it in?</p> <p>10 A I believe so, but I do not recall for sure.</p> <p>11 Q Is there any application of signatures from the 12 voter's state driver's license or state ID?</p> <p>13 A Can you ask the question again?</p> <p>14 Q Sure. If you perform an online application to be a 15 voter in Indiana, is there any system whereby you 16 don't have to print it out and sign it because your 17 signature from your driver's license or state ID if 18 you can't drive gets applied to that application so 19 that it's an all website-based process?</p> <p>20 A For the absentee ballot application I believe that 21 is true, but I'm not certain so would recommend 22 discussion with Civix on that.</p> <p>23 Q So we've covered that there's already a voter 24 registration process on indianavoters.com. Is 25 there already an absentee ballot application on</p>	<p style="text-align: right;">Page 127</p> <p>1 absentee ballot that voters can download is 2 included in option 1, which I understand because 3 you can attach a .pdf ballot to an e-mail, and same 4 under Option 3, the Hybrid, because that's still 5 providing the ballot to folks via e-mail.</p> <p>6 That bullet point is also included in 7 Option 2, which is the web publication only option. 8 Can you explain to me why a .pdf ballot that voters 9 can download is useful under the web publication 10 option?</p> <p>11 A I don't know that I can explain if it's more useful 12 than information that can be read on, like, a 13 website or what I'll refer to as a print screen. 14 What we were including here were different options 15 and considerations.</p> <p>16 I would imagine that some voters may find it 17 helpful to have a printed document if they had help 18 or assistance to complete the form, but I would be 19 assuming there. I wouldn't know really what the 20 stronger benefit would be. The other aspect is 21 that if a .pdf is downloaded, it would be one form 22 that a screen reader can read versus a static 23 website. If you are already building the web page, 24 there's not much level of effort to just add the 25 .pdf also.</p>
<p style="text-align: right;">Page 126</p> <p>1 indianavoters.com?</p> <p>2 A Yes, I believe so.</p> <p>3 Q And does Baker Tilly believe that that application 4 complies with WCAG?</p> <p>5 MR. FLAHERTY: Object to the form of the 6 question.</p> <p>7 MS. BRANDT-YOUNG: Let me rephrase.</p> <p>8 Q Is it your understanding that that absentee ballot 9 application on indianavoters.com complies with 10 WCAG?</p> <p>11 A We don't know.</p> <p>12 Q To your knowledge, has SPR ever tested it?</p> <p>13 A Not to my knowledge.</p> <p>14 Q All right. So let's move to .pdf page 4. Looking 15 at, for instance, the third bullet point under 16 Absentee Ballot Application under Option 1, there's 17 a note here to, Provide universally accessible pdf 18 absentee ballots that voters can download.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Actually receiving an accessible ballot to vote on 22 is a different step from applying to get that 23 absentee ballot; right?</p> <p>24 A Correct.</p> <p>25 Q I see that this provide universally accessible pdf</p>	<p style="text-align: right;">Page 128</p> <p>1 Q So going back to Option 1, so providing a 2 universally accessible pdf absentee ballot that a 3 voter can download, whose job is it to make that 4 accessible .pdf ballot?</p> <p>5 A I don't know.</p> <p>6 Q So has that ever been discussed at any time during 7 your discussions with the State of Indiana?</p> <p>8 A No.</p> <p>9 Q Is it fair to say that a ballot is a complex 10 document?</p> <p>11 MR. FLAHERTY: Object to the form.</p> <p>12 MS. BRANDT-YOUNG: I'm sorry, Mr. Flaherty?</p> <p>13 MR. FLAHERTY: I object to the form of that 14 question.</p> <p>15 MS. BRANDT-YOUNG: Okay.</p> <p>16 A Yeah, I don't know.</p> <p>17 Q Is it fair to say that it's more difficult to make 18 a complex document accessible than to make a simple 19 document accessible?</p> <p>20 A I don't know. I've never made a document 21 accessible.</p> <p>22 Q During your discussions with the State of Indiana 23 was any testing or quality control discussed around 24 making sure that ballots were properly accessible?</p> <p>25 A There was no discussion.</p>

<p style="text-align: right;">Page 129</p> <p>1 Q All right. So looking at the next scope item, it's</p> <p>2 Absentee Ballot Submission. Reading through the</p> <p>3 Absentee Ballot Submission and the things that come</p> <p>4 after it, something that I didn't see here was the</p> <p>5 secrecy waiver, which we discussed previously. Do</p> <p>6 you remember any discussion of the secrecy waiver?</p> <p>7 A There was no discussion of secrecy waiver at this</p> <p>8 point in the process.</p> <p>9 Q Do you remember it ever being discussed?</p> <p>10 A It was only discussed that a secrecy waiver would</p> <p>11 need to be created once the State mentioned to us</p> <p>12 that a combined voter registration and absentee</p> <p>13 ballot application form needed to be generated as a</p> <p>14 result of this legislation, and that was only in</p> <p>15 the last couple months.</p> <p>16 Q So to your knowledge, what is the current status of</p> <p>17 any work on developing an accessible secrecy waiver</p> <p>18 document?</p> <p>19 A I believe the State is still working on that form.</p> <p>20 Q Can you explain the function of the secrecy waiver?</p> <p>21 A I cannot.</p> <p>22 Q The secrecy waiver is a document that needs to be</p> <p>23 signed. Was there any discussion of how the</p> <p>24 signature would be affixed to these documents?</p> <p>25 A No. That document was never discussed.</p>	<p style="text-align: right;">Page 131</p> <p>1 focusing on helping users to complete the process</p> <p>2 correctly militates in favor of either a regular</p> <p>3 old website submission process or an e-mail link to</p> <p>4 where you can upload a document?</p> <p>5 A From a user experience standpoint you typically</p> <p>6 will focus on the easiest path that has the least</p> <p>7 amount of steps, so in this case that would be the</p> <p>8 website interaction.</p> <p>9 Q So one thing that makes that more usable for the</p> <p>10 end-user is that you stay in one computer</p> <p>11 application the whole time, you're not switching</p> <p>12 back and forth between your e-mails and your other</p> <p>13 things? Is that fair to say?</p> <p>14 A Yes, I believe that to be true.</p> <p>15 Q Also, it doesn't require you to be able to find a</p> <p>16 document somewhere on your computer so that you can</p> <p>17 upload it? Is that another thing that makes it</p> <p>18 more sort of usable for the end-user?</p> <p>19 A Can you repeat that?</p> <p>20 Q If they don't have to upload a document to a</p> <p>21 specific link, they don't have to find that</p> <p>22 document on their computer?</p> <p>23 A Correct. That would be a more usable process.</p> <p>24 Q If it's done entirely on the website, would it be</p> <p>25 possible to separate out each race in the election</p>
<p style="text-align: right;">Page 130</p> <p>1 Q Then looking under the scope item Absentee Ballot</p> <p>2 Submission, for Option 2, the web publication</p> <p>3 option, and bullet point two, it says here that,</p> <p>4 Voters will be able to mark their choices</p> <p>5 independently and confidentially, and then upload</p> <p>6 and submit the ballot via a secure delivery system</p> <p>7 with proper credentials.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q Does this envision that voters will mark their</p> <p>11 choices by interacting with a website?</p> <p>12 A Yes, I believe that was the intent.</p> <p>13 Q And then that they will upload and submit the</p> <p>14 ballot via a secure delivery system with proper</p> <p>15 credentials, what does secure delivery system mean?</p> <p>16 A Secure delivery system is a generic term that can</p> <p>17 describe the transmission of the ballot data being</p> <p>18 submitted, and that could take the form of a normal</p> <p>19 website submission process that you're used to</p> <p>20 seeing or it could take the part of where you</p> <p>21 receive some type of e-mail that provides a</p> <p>22 temporary link for you to upload that document,</p> <p>23 like, a separate send and receive transmission</p> <p>24 versus a transmission through a website.</p> <p>25 Q From a usability perspective do you think that</p>	<p style="text-align: right;">Page 132</p> <p>1 to a separate page?</p> <p>2 A I believe that would be technically possible. The</p> <p>3 development vendor would need to confirm, but I</p> <p>4 don't see a -- I can't foresee any technical</p> <p>5 challenges if that were the requirement.</p> <p>6 Q So when you compare this sort of electronic voting</p> <p>7 to in-person voting, for instance, or on a paper</p> <p>8 ballot, on a paper ballot you can have more than</p> <p>9 one race per page; right?</p> <p>10 A Correct.</p> <p>11 Q And sometimes people skip races, they don't manage</p> <p>12 to vote for the correct number of candidates or the</p> <p>13 correct number of races; right?</p> <p>14 A Correct.</p> <p>15 Q Sometimes they mark more than one candidate when</p> <p>16 they didn't mean to or they don't mark enough</p> <p>17 candidates when they didn't mean to when they're</p> <p>18 working on a paper ballot; right?</p> <p>19 A Correct. All those scenarios are possible.</p> <p>20 Q Is it technically feasible not only to separate</p> <p>21 each race onto a separate HTML page but to create</p> <p>22 alerts so that if people vote for too many</p> <p>23 candidates the web page won't let you go on to the</p> <p>24 next race until you've fixed your error?</p> <p>25 A Yes, I believe business roles can be customized</p>

<p style="text-align: right;">Page 133</p> <p>1 based on the unique ballot requirements. Again,</p> <p>2 the development vendor would be best to answer the</p> <p>3 technical feasibility, but I don't foresee an issue</p> <p>4 with that.</p> <p>5 Q Likewise, could you set up alerts so that if the</p> <p>6 voter hasn't voted for enough candidates or has</p> <p>7 skipped it entirely that the website would check</p> <p>8 that you meant to skip that race before it let you</p> <p>9 go on?</p> <p>10 A Correct.</p> <p>11 Q To your understanding, are those provisions about</p> <p>12 not letting somebody go on to the next race if they</p> <p>13 have over-voted or under-voted, is that technically</p> <p>14 feasible in a .pdf document if you're marking that</p> <p>15 as your ballot?</p> <p>16 A I don't know. I'm not familiar with those</p> <p>17 capabilities.</p> <p>18 Q So sitting here today, you can't say that that is a</p> <p>19 functionality that you can put into a .pdf ballot?</p> <p>20 Is that fair to say?</p> <p>21 A That's fair to say.</p> <p>22 Q So looking here at the same bullet point under</p> <p>23 Option 2 on .pdf page 4, we've talked about what a</p> <p>24 secure delivery system is. What did Baker Tilly</p> <p>25 have in mind, or you if you're the author of this</p>	<p style="text-align: right;">Page 135</p> <p>1 Q All right. So let's skip to page 5. Under the</p> <p>2 Scope Item Status Tracking under Option 1 and</p> <p>3 Option 2 and Option 3, there's a statement here</p> <p>4 that, Voters with print disabilities can utilize</p> <p>5 My Voter Portal on IndianaVoters to track the</p> <p>6 status of the absentee application at every stage</p> <p>7 of the process and to track the status of the</p> <p>8 absentee ballot at every stage of the process.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Is it your understanding that My Voter Portal on</p> <p>12 indianavoters.com already complies with the</p> <p>13 Web Content Accessibility Guidelines?</p> <p>14 A Can you ask the question again?</p> <p>15 Q Sure. Is it your understanding that the My Voter</p> <p>16 Portal on indianavoters.com is accessible already</p> <p>17 and already complies with the Web Content</p> <p>18 Accessibility Guidelines?</p> <p>19 A SPR performed testing and confirmed that</p> <p>20 IndianaVoters, which includes the My Voter Portal,</p> <p>21 which is a subsection within IndianaVoters,</p> <p>22 complied with the WCAG 2.0 guidelines when they</p> <p>23 tested last roughly back in 2018.</p> <p>24 Q There's a Scope Item on this page called</p> <p>25 Voter Troubleshooting, and under Option 1, which is</p>
<p style="text-align: right;">Page 134</p> <p>1 document, about proper credentials?</p> <p>2 A Those weren't defined. Yeah, those weren't defined</p> <p>3 at the time, but we weren't thinking of any other</p> <p>4 credentials than what is currently used today.</p> <p>5 Q What's your understanding of what credentials are</p> <p>6 currently used?</p> <p>7 A I believe it depends on the transaction that's</p> <p>8 being performed, so whether it's voter registration</p> <p>9 application or an absentee ballot application, and</p> <p>10 what I believe to be true is the absentee ballot</p> <p>11 submission, which I'm not certain, but each of</p> <p>12 those have different requirements around</p> <p>13 credentials based on what the State indicated</p> <p>14 should be the credentials.</p> <p>15 Q Okay. One more question about the issue under</p> <p>16 Option 1 of providing universally accessible pdf</p> <p>17 and absentee ballots that voters can download. Is</p> <p>18 it fair to say that many people have their default</p> <p>19 computer settings set that .pdf documents open in</p> <p>20 their browser rather than in Adobe Acrobat or some</p> <p>21 other document-specific application?</p> <p>22 A I wouldn't know the answer to that question.</p> <p>23 Q Is it fair to say that opening .pdf documents in</p> <p>24 your web browser is a default setting you can have?</p> <p>25 A I'm not familiar with default .pdf settings.</p>	<p style="text-align: right;">Page 136</p> <p>1 the electronic mail or fax option, your note here</p> <p>2 says that the county owns research and resolution</p> <p>3 around voter troubleshooting.</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q What does that mean?</p> <p>7 A So within the UOCAVA workflow, if there's a voter</p> <p>8 that has a question about their specific voter</p> <p>9 registration absentee ballot application, they will</p> <p>10 either voluntarily reach out to the county or are</p> <p>11 directed to that county for any type of</p> <p>12 troubleshooting. So that's what that process</p> <p>13 refers to for Option 1.</p> <p>14 Q So is it reasonable to assume, flowing from that,</p> <p>15 that if a voter with a disability has a hard time</p> <p>16 using their assistive technology to fill out a .pdf</p> <p>17 ballot, the county boards of elections will have to</p> <p>18 help them if they call with those kinds of</p> <p>19 problems?</p> <p>20 A I don't know. I think that's a reasonable</p> <p>21 assumption. What is not understood is if those</p> <p>22 counties do reach out to the State sometimes for</p> <p>23 other issues.</p> <p>24 Q Was any training for the counties in how to assist</p> <p>25 voters with troubleshooting discussed at any time?</p>

<p style="text-align: right;">Page 137</p> <p>1 A No. There was no discussion of training documents 2 or next steps as a part of this process.</p> <p>3 Q During this particular call in May of 2021 or at 4 any time?</p> <p>5 A Besides what's included in this deck, there wasn't 6 additional discussion because there wasn't an 7 understanding of what was being implemented yet.</p> <p>8 Q So I just want to make sure I understand you. 9 Aside from the conversation that you had about this 10 slide deck, there were no additional conversations 11 with the State because the State hasn't made 12 decisions yet; is that right?</p> <p>13 A That's correct.</p> <p>14 Q Then also under Voter Troubleshooting Option 2, 15 there's a bullet point there that says, System and 16 Accessibility Subject Matter Resource - Contracted 17 allocation of hours.</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q What does that mean?</p> <p>21 A So this stems from the bullet that's on page 2 of 22 this .pdf of the slide deck on No. 6.iii. where 23 Maine had contracted an expert accessibility staff 24 to help troubleshoot, and so this bullet refers to 25 that approach.</p>	<p style="text-align: right;">Page 139</p> <p>1 Q Okay. The last Scope Item listed here is 2 Landing/Welcome Page. Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Can you explain what that means and who the 5 intended audience is?</p> <p>6 A So the intended audience would be primarily voters 7 with disabilities, though it could extend to voters 8 that do not have disabilities that are assisting 9 voters with disabilities, and the scope item as 10 developed in this deck incorporates an inventory of 11 additional resources that may be helpful to the 12 voters with disabilities to help them navigate 13 through the process. And then also sample absentee 14 ballot so that the voter with disabilities could 15 practice before the live ballot and be confident 16 that their technology works, that they understand 17 the information, and have confidence that they're 18 ready to cast a ballot.</p> <p>19 Q So if sample ballots were provided, presumably they 20 would be provided in the same electronic formats as 21 are going to be used in the election? Is that fair 22 to say?</p> <p>23 A Correct. Otherwise, it wouldn't be a fair practice 24 ballot.</p> <p>25 Q Would it be technically feasible to code a sort of</p>
<p style="text-align: right;">Page 138</p> <p>1 Q So probably this would be a single vendor then; is 2 that right?</p> <p>3 A I don't want to assume because it could be a group 4 of individuals from different disability rights 5 organizations, it could be different vendors that 6 have different expertise levels. So I'm not able 7 to answer that question.</p> <p>8 Q Is it fair to say that this would provide a 9 centralized place for voters who need help with 10 accessible absentee voting to go to? Instead of 11 going to each of the 92 counties in Indiana and 12 going to their county boards of elections, they'd 13 go to a single centralized place? Is that what's 14 envisioned here?</p> <p>15 A That was the intent of this bullet, correct.</p> <p>16 Q Do you have an opinion on which process is more 17 likely to be successful and get people correct 18 answers quickly?</p> <p>19 A I don't have an opinion, and at times where we 20 don't have an opinion we recommend consulting the 21 experts or surveying stakeholders.</p> <p>22 Q Who are some experts you would consult on that 23 question?</p> <p>24 A Voters with disabilities, disability rights groups, 25 counties.</p>	<p style="text-align: right;">Page 140</p> <p>1 Option 5 where there is a web transmission-based 2 system for accessing a ballot and for marking that 3 ballot that then at the end a voter could print to 4 .pdf and then they could e-mail that .pdf file in?</p> <p>5 A Can you walk me through the steps one more time?</p> <p>6 Q Sure. If a link to a ballot were provided to the 7 voter via an e-mail and the voter clicked on the 8 link and that took them to some sort of web 9 transmission system, something they could get to in 10 their browser, so as to read the ballot and mark 11 their choices for the ballot all in a web-based 12 system, and then when the ballot was completed and 13 the voter had checked the ballot to make sure it 14 was correct, instead of then hitting upload or 15 going through some sort of web-based transmission 16 system instead the voter would hit print to .pdf 17 and e-mail that .pdf somewhere.</p> <p>18 A I believe that may be technically feasible if a 19 development vendor could confirm that.</p> <p>20 Q Do you know whether that could be coded to make 21 sure that when the voter hit print to .pdf, the 22 .pdf produced was an accessible .pdf that they 23 could read yet again to make sure that their 24 choices were correct?</p> <p>25 A That, I don't know because it's either a manual or</p>

<p style="text-align: right;">Page 141</p> <p>1 automated process. I feel more confident in saying</p> <p>2 that someone can take a ballot and manually make it</p> <p>3 accessible. I don't know what the automation</p> <p>4 capabilities are to do that.</p> <p>5 Q I'm going to call this Option 1.5 because it's</p> <p>6 between the all electronic mail-in fax and the web</p> <p>7 publication option. Is it fair to say that such an</p> <p>8 option could combine the advantages of a web-based</p> <p>9 system in terms of filling out the ballot correctly</p> <p>10 with the desire to submit the final ballot via</p> <p>11 e-mail?</p> <p>12 A So when the voter completes the ballot, they'll hit</p> <p>13 submit and it opens up an e-mail draft in their</p> <p>14 Outlook folder or other application? Is that what</p> <p>15 you're describing?</p> <p>16 Q I had not envisioned that, although I like your</p> <p>17 scenario better. The farthest I had gotten on</p> <p>18 Option 1.5 would be that there would be a web-based</p> <p>19 process for marking the ballot but hitting print to</p> <p>20 .pdf would then create a file that could be</p> <p>21 e-mailed back to the board of elections that had</p> <p>22 e-mailed out the link to the ballot in the first</p> <p>23 place. I think one way to do that -- I'm asking</p> <p>24 you is this accurate -- is simply for the voter to</p> <p>25 hit print to .pdf and then attach that new .pdf to</p>	<p style="text-align: right;">Page 143</p> <p>1 from the voter's perspective.</p> <p>2 Q And as we discussed before, the process of</p> <p>3 attaching your ballot to a particular e-mail is an</p> <p>4 additional step that requires the user to switch</p> <p>5 between programs and, therefore, is not as great</p> <p>6 from a usability perspective as an all online</p> <p>7 submission would be? Is that fair to say?</p> <p>8 A Correct.</p> <p>9 Q Has anyone ever suggested such a system be used</p> <p>10 during the process that you've described?</p> <p>11 A No.</p> <p>12 Q Is there anything else reflected in this document</p> <p>13 that you think is important to understand the</p> <p>14 conversations that Baker Tilly had with Civix and</p> <p>15 with the State of Indiana around developing this</p> <p>16 process?</p> <p>17 A No.</p> <p>18 Q All right. We have one more document to go through</p> <p>19 and then I think we'll be ready for a short break</p> <p>20 because we've been here for a while. Is that okay,</p> <p>21 Mr. Cooper?</p> <p>22 A Yes.</p> <p>23 MS. BRANDT-YOUNG: Is there anybody else on</p> <p>24 the call who would like to take a break right now,</p> <p>25 please and thank you.</p>
<p style="text-align: right;">Page 142</p> <p>1 the e-mail that was originally sent to them with a</p> <p>2 link to their ballot, which would presumably go</p> <p>3 back to the county board of elections from whence</p> <p>4 it came.</p> <p>5 A I believe that may be technically possible with a</p> <p>6 development vendor to confirm.</p> <p>7 Q But it sounds like you're envisioning that rather</p> <p>8 than the voter manually attaching that .pdf ballot</p> <p>9 to an e-mail, it also might be possible to add a</p> <p>10 functionality to the web-based system whereby the</p> <p>11 e-mail would pop up automatically and the correct</p> <p>12 address to send it to could be automatically</p> <p>13 populated? Is that what you're saying?</p> <p>14 A That would be a process that would be interesting</p> <p>15 if a development vendor could confirm that it's</p> <p>16 feasible, yes.</p> <p>17 Q Well, so you would automate the creation of the</p> <p>18 e-mail and populate the e-mail address into it so</p> <p>19 that it goes to the right place automatically.</p> <p>20 Would there be a way to attach the .pdf ballot that</p> <p>21 you just printed to .pdf as well? Is that</p> <p>22 technically feasible?</p> <p>23 A That's the open question that I'm concerned about.</p> <p>24 I know there's a way to do both. I don't know if</p> <p>25 there's a way to combine that as a single action</p>	<p style="text-align: right;">Page 144</p> <p>1 (No response)</p> <p>2 MS. BRANDT-YOUNG: All right. Hearing none,</p> <p>3 let's go ahead and go to our next document. We'll</p> <p>4 be marking as Exhibit 10 BTUS42.</p> <p>5 MR. FLAHERTY: Seth, may have missed that one.</p> <p>6 Let me send it to you separately.</p> <p>7 THE WITNESS: Dan, I have it. I did receive</p> <p>8 your first e-mail.</p> <p>9 MR. FLAHERTY: Okay. Great, excellent. Just</p> <p>10 want to make sure.</p> <p>11 THE WITNESS: They all came through as</p> <p>12 expected together.</p> <p>13 MR. FLAHERTY: Great. Just wanted to make</p> <p>14 sure you have it.</p> <p>15 Q All right. So let us know when you've got 42 open.</p> <p>16 A Yes, I have it open.</p> <p>17 Q Great. So take a minute to scroll through it. Do</p> <p>18 you recognize this document?</p> <p>19 A Yes.</p> <p>20 Q So what is this?</p> <p>21 A This is an e-mail from Andrew Lang requesting time</p> <p>22 to set up a meeting regarding an update on a</p> <p>23 request that he sent out in mid-May.</p> <p>24 Q And then looking at the bottom half of the first</p> <p>25 page, that's the request from mid-May?</p>

<p style="text-align: right;">Page 145</p> <p>1 A That was the original request. What's not 2 reflected here was a call to Andrew after that 3 May 14 e-mail that was sent, but Andrew refers to 4 the correct action item that was discussed on the 5 bottom of his last paragraph in the e-mail at the 6 top. 7 Q All right. So let's start with the e-mail that's 8 dated Friday, May 14, 2021, at 3:52 p.m. at the 9 bottom of the first .pdf page of this document. 10 That's later in the day after you had the 11 discussion about the scoping document; right? 12 A Approximately, yeah, that sounds like the right 13 timeline. 14 Q There's a statement here saying, For the time 15 being, we would like to focus our attention on 16 Option 1 discussed, which is more or less an 17 expansion of UOCAVA. 18 Do you see that? 19 A Yes. 20 Q So what did you understand about the reasons why 21 Option 1 was preferred? 22 A I didn't understand the reasons of why Option 1 was 23 preferred. That was never conveyed. 24 Q The next sentence says, We would like to have 25 Baker Tilly develop a flow for the process of</p>	<p style="text-align: right;">Page 147</p> <p>1 together by July 1. 2 Do you see that as well? 3 A Yes. 4 Q So when you read this, did you understand that 5 first Baker Tilly would develop the process flow, 6 next Civix would provide a program cost estimate, 7 next the Indiana Election Division would approve 8 what was described, and then next this would all 9 constitute a coherent plan or proposal by July 1? 10 A That was my understanding of the asks and next 11 steps that Andrew had provided, yes. 12 Q Did Baker Tilly ever develop that flow document? 13 A No. 14 Q Why not? 15 A Because at this point in the process the scope for 16 developing this program was significantly more than 17 an enhancement to the SVRS application, and so I 18 had called Brandon Clifton approximately that 19 day -- it may have bled into the next week -- and I 20 referenced if he would like us to write up a 21 proposal because the requirements still have to be 22 developed and there weren't requirements developed 23 yet and without requirements there was no way to 24 get cost estimates. And when I referenced that we 25 were going to charge for the formal work, he</p>
<p style="text-align: right;">Page 146</p> <p>1 applying for, receiving, voting, and returning an 2 absentee ballot and identify any technology 3 buildout that may need to occur. 4 Do you see that? 5 A Yes. 6 Q What is a flow? 7 A I believe what Andrew was referring to was a 8 process flow, because he states develop a flow for 9 the process. 10 Q So what is a process flow? 11 A A process flow is a graphical view of steps in a 12 process. 13 Q And here that would be the voting process? 14 A For here it would be the full process of what was 15 being contemplated for the what Andrew referred to 16 as the print disabled absentee voting program. 17 Q So the next thing that this e-mail describes is, 18 With this in hand, we will look to Civix to provide 19 a program cost estimate and take our proposal to 20 IED because IED approval is needed prior to 21 implementation. 22 Do you see that? 23 A Yes. 24 Q Then the next sentence says, As a reminder, we 25 would like to have a coherent plan/proposal</p>	<p style="text-align: right;">Page 148</p> <p>1 indicated don't worry about it, something to the 2 extent that their office will work on it. 3 Q So they told you not to develop a flow after all? 4 A Correct. 5 Q Because that wasn't included in the contract you 6 had with them already? 7 A Correct. We were trying to be a good partner, but 8 the scope of this had increased significantly. 9 Q So was it Andrew Lang who told you that? 10 A I was working specifically with Brandon Clifton at 11 that time. 12 Q Do you know if Civix ever provided a program cost 13 estimate? 14 A I recall what we refer to as a high-level estimate 15 and those estimates refer to low and high 16 estimates, but I don't recall if that was done for 17 this project or not. 18 Q All right. So looking at the first e-mail on the 19 first page of BTUS42, that's an e-mail sent by 20 Andrew Lang on Friday, May 21. Do you recall 21 receiving this e-mail? 22 A Yes. 23 Q Did you receive this before or after 24 Brandon Clifton told you not to develop a flow? 25 A It was after.</p>

<p style="text-align: right;">Page 149</p> <p>1 Q So when they said that they would like to schedule 2 a time to meet between June 2 and 4 to receive an 3 update on the progress being made on the print 4 disabled voter absentee ballot program, did you 5 attend any such meeting?</p> <p>6 A I did.</p> <p>7 Q What happened at that meeting?</p> <p>8 A So it's referenced in the second paragraph. So 9 when I spoke with Brandon Clifton, I was 10 referencing that requirements weren't developed and 11 I included a few examples of that, one being 12 there's no form to understand what the State's 13 going to provide, we're unsure what the State's 14 going to do for self-certification or certification 15 validation, and I went through a few of those 16 points.</p> <p>17 At this stage of the e-mail Andrew responded 18 back and said they're going to move forward with 19 self-certification disability model over a proof of 20 disability model, which is what Andrew had shared 21 that Louisiana had. So they asked us if we can 22 invest some time and effort into charting out what 23 a proof of disability model would look like, and so 24 we prepared some documentation around that. I 25 don't recall whether that was ever shared with the</p>	<p style="text-align: right;">Page 151</p> <p>1 Q Have you ever seen a draft of the form?</p> <p>2 A A draft of the form? I believe I saw a draft at 3 some point in the last month.</p> <p>4 Q What was the status of that draft?</p> <p>5 A There was disagreement that it was final.</p> <p>6 Q When did that occur?</p> <p>7 A Roughly about approximately a month ago.</p> <p>8 Q When you say that there was a disagreement, who was 9 disagreeing?</p> <p>10 A The co-directors of the Indiana Election Division.</p> <p>11 Q And did they disagree amongst themselves or who did 12 they disagree with?</p> <p>13 A They were disagreeing amongst themselves about the 14 status of the form and if it was final.</p> <p>15 Q What was left that was necessary in order to make 16 it final, if you know?</p> <p>17 A I don't recall. I believe the secrecy waiver was a 18 component of that, but I don't recall the exact 19 conversation back then.</p> <p>20 MS. BRANDT-YOUNG: All right. Plaintiffs are 21 going to request all documents related to those 22 conversations.</p> <p>23 Q So I'm sorry. I know I promised you a break, but 24 I'd like to take a look at it before we take our 25 break if that's okay. This is a Word document and</p>
<p style="text-align: right;">Page 150</p> <p>1 State or reviewed in that meeting, but I would 2 assume that that was the scope of this meeting.</p> <p>3 Q So just to make sure that I understand. Just to 4 recap, is it fair to say that the meeting that was 5 requested in this e-mail possibly for June 2-4 was 6 about how to prove that an accessible absentee 7 voter really needed an accessible absentee ballot? 8 That was the subject of conversation?</p> <p>9 A Can you repeat the question?</p> <p>10 Q Did you all have a meeting about how to demonstrate 11 that someone was eligible for an accessible 12 absentee ballot?</p> <p>13 A No. It was specifically reviewing proof of 14 disability, which I believe is slightly different 15 than the question you asked.</p> <p>16 Q Okay. Thank you. So after this meeting that you 17 had around proof of disability, did Baker Tilly do 18 additional work on this topic after that?</p> <p>19 A No, other than tracking this as an action item as 20 an initiative or legislation that may require work 21 and regularly showing that to the State.</p> <p>22 Q Is it your understanding that the State is doing 23 work on this topic, just not with Baker Tilly?</p> <p>24 A I don't know the extent of what they're working on 25 beyond a combined form.</p>	<p style="text-align: right;">Page 152</p> <p>1 its file name is WvPD version 4.</p> <p>2 A Okay.</p> <p>3 Q Do you see this document, sir?</p> <p>4 A Yes.</p> <p>5 Q Take a minute, scroll through it.</p> <p>6 (Witness reviewing document)</p> <p>7 A Okay.</p> <p>8 Q Do you recognize this document?</p> <p>9 A I do not.</p> <p>10 MS. BRANDT-YOUNG: All right then. Why don't 11 we take a thirteen-minute break and we'll see you 12 back here at 6:50 Eastern, 5:50 Central. Sound 13 good?</p> <p>14 MR. FLAHERTY: Sounds good.</p> <p>15 THE WITNESS: Okay. Thanks.</p> <p>16 MS. BRANDT-YOUNG: Thank you.</p> <p>17 (A brief recess was taken.)</p> <p>18 (Ms. Kolic and Mr. Adams left the deposition 19 at this time.)</p> <p>20 Q All right. So, Mr. Cooper, we've already discussed 21 how Indiana participates in the UOCAVA program for 22 certain military and overseas voters and how 23 they're allowed to vote by e-mail and fax in 24 Indiana elections; is that right?</p> <p>25 A Correct.</p>

<p style="text-align: right;">Page 153</p> <p>1 Q Do you know what technical or security requirements 2 are in place, if any, for county boards of 3 elections and the fax machines that participate in 4 that program?</p> <p>5 A I'm not aware.</p> <p>6 Q Likewise, are there any security requirements for 7 the fax machines that voters use to receive their 8 ballots and send them back?</p> <p>9 A Same answer. I'm not aware of any requirements 10 around that but would recommend asking the 11 Election Division.</p> <p>12 Q Are you aware of any technical or security 13 requirements that are in place for voter e-mail 14 addresses and voter e-mail servers that they use to 15 participate in the UOCAVA voting program?</p> <p>16 A None that I'm aware of.</p> <p>17 Q Are you aware of any technical or security 18 requirements in place for the e-mail domains or 19 servers from the county boards of elections that 20 participate in the UOCAVA voting program?</p> <p>21 A I'm not aware of any.</p> <p>22 Q Are you familiar with the Indiana Code 3-5-4-12, 23 which is subtitled agreements to use a threat, 24 intelligence, and enterprise security company 25 designated by the Secretary of State?</p>	<p style="text-align: right;">Page 155</p> <p>1 incidents.</p> <p>2 Q What role does Baker Tilly have with relation to 3 FireEye and these county contracts, if any?</p> <p>4 A We don't have any relationship to those county 5 contracts or FireEye.</p> <p>6 Q Are you aware of the Secretary of State ever using 7 those services related to containing or triaging 8 incidents?</p> <p>9 A I can't recall.</p> <p>10 Q Not every county has a contract with FireEye for 11 these incident detection and monitoring services; 12 right?</p> <p>13 A I believe that to be a true statement, yes.</p> <p>14 Q Has Baker Tilly ever examined the contracts and 15 services being received by counties that do not 16 contract with FireEye?</p> <p>17 A No. We were never asked to do any type of contract 18 reviews or contract assessment.</p> <p>19 Q How do you know about the content of the FireEye 20 contracts with the counties?</p> <p>21 A Within our cybersecurity contract or amendment, one 22 of the earlier ones that you pulled up, we provided 23 project management and implementation-based 24 services to assist the State with implementing 25 FireEye for those counties that chose to.</p>
<p style="text-align: right;">Page 154</p> <p>1 A I'm not familiar with that Indiana Code.</p> <p>2 Q Are you familiar with a company called FireEye?</p> <p>3 A Yes.</p> <p>4 Q Does FireEye have any role with county information 5 security systems in Indiana?</p> <p>6 A Yes. They have a role with the Secretary of State 7 office.</p> <p>8 Q Can you explain what that role is?</p> <p>9 A Yeah. So FireEye has an agreement with the 10 Secretary of State office and those counties that 11 opted in to provide incident detection and 12 monitoring.</p> <p>13 Q Aside from incident detection and monitoring, is 14 there anything else that they do?</p> <p>15 A They have an e-mail -- I can't recall what 16 terminology FireEye uses for the service, but it's 17 counties have the option to opt in for e-mail, 18 like, attachment scanning type of service.</p> <p>19 Q Does FireEye provide the counties any other 20 services that you can remember along those lines?</p> <p>21 A The only other service that comes to mind is there 22 is a hourly allocation container for when there are 23 major incidences or cyber attacks that the 24 Secretary of State office can choose to use a 25 portion of those hours to contain and triage</p>	<p style="text-align: right;">Page 156</p> <p>1 Q So is it fair to say that the services that FireEye 2 offers to the counties make their e-mail more 3 secure?</p> <p>4 A I can't answer that question because it depends on 5 what other security controls or operational 6 controls that the county has in place.</p> <p>7 Q Do the services that FireEye offers make the state 8 voter registration services database more secure?</p> <p>9 A I would defer that question to Civix.</p> <p>10 MS. BRANDT-YOUNG: All right. So the 11 plaintiffs have no further questions at this time. 12 Mr. Flaherty, do you have any redirect?</p> <p>13 MR. FLAHERTY: No, I do not.</p> <p>14 MS. BRANDT-YOUNG: Ms. Abshire?</p> <p>15 MS. ABSHIRE: I have no questions.</p> <p>16 MS. BRANDT-YOUNG: Then, Mr. Cooper, I believe 17 you're done with us for the day.</p> <p>18 THE WITNESS: Okay. Thank you.</p> <p>19 MS. BRANDT-YOUNG: We really want to thank you 20 for being here today. Your help is just invaluable 21 in helping us to understand sort of the situation 22 and the lay of the land and we appreciate your 23 patience and your preparation.</p> <p>24 THE WITNESS: Okay. Thank you. Am I free to 25 leave now?</p>

<p style="text-align: right;">Page 157</p> <p>1 MR. FLAHERTY: You are.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MS. BRANDT-YOUNG: Thank you, Mr. Cooper.</p> <p>4 THE WITNESS: Bye.</p> <p>5 MS. BRANDT-YOUNG: Michele, what business do</p> <p>6 we have?</p> <p>7 THE REPORTER: What kind of copies of the</p> <p>8 transcript today would you all like? Just</p> <p>9 electronic?</p> <p>10 MS. BRANDT-YOUNG: Yes, please.</p> <p>11 MS. ABSHIRE: Yes. Michele, can I also get a</p> <p>12 rough draft of the transcript if you have time to</p> <p>13 send that to me by the end of the week?</p> <p>14 THE REPORTER: Yes. Just by Friday?</p> <p>15 MS. ABSHIRE: If you think that's feasible.</p> <p>16 THE REPORTER: I think so. And, Mr. Flaherty,</p> <p>17 did you need a copy of the transcript?</p> <p>18 MR. FLAHERTY: I'll take an e-transcript as</p> <p>19 well.</p> <p>20 THE REPORTER: Okay. Thank you all.</p> <p>21 (Exhibits 1-11 were marked.)</p> <p>22 (The deposition concluded at 7:08 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 159</p> <p>1 STATE OF INDIANA</p> <p>2 COUNTY OF MARION</p> <p>3 I, Michele K. Gustafson, CRR-RPR, a</p> <p>4 Notary Public in and for said county and state, do</p> <p>5 hereby certify that the deponent herein was by me</p> <p>6 first duly sworn to tell the truth, the whole truth,</p> <p>7 and nothing but the truth in the aforementioned</p> <p>8 matter;</p> <p>9 That the foregoing deposition was taken on</p> <p>10 behalf of the Plaintiffs; that said deposition was</p> <p>11 taken at the time and place heretofore mentioned</p> <p>12 between 1:07 p.m. and 7:08 p.m.;</p> <p>13 That said deposition was taken down in</p> <p>14 stenograph notes and afterwards reduced to typewriting</p> <p>15 under my direction; and that the typewritten</p> <p>16 transcript is a true record of the testimony given by</p> <p>17 said deponent;</p> <p>18 Absent a request by the parties or by</p> <p>19 agreement, the reading and signing by the deponent to</p> <p>20 the deposition were waived on behalf of all the</p> <p>21 parties by their respective counsel, the deponent</p> <p>22 being present and consenting thereto, and/or pursuant</p> <p>23 to Fed. R. Civ. P. 30(e); and the deposition is to be</p> <p>24 read with the same force and effect as if signed by</p> <p>25 said deponent.</p>
<p style="text-align: right;">Page 158</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT OF INDIANA</p> <p>3 INDIANAPOLIS DIVISION</p> <p>4 AMERICAN COUNCIL OF THE)</p> <p>5 BLIND OF INDIANA,)</p> <p>6 INDIANA PROTECTION AND)</p> <p>7 ADVOCACY SERVICES COMMISSION,)</p> <p>8 KRISTIN FLESCHNER,)</p> <p>9 RITA KERSH, AND)</p> <p>10 WANDA TACKETT,)</p> <p>11)</p> <p>12 Plaintiffs,)</p> <p>13)</p> <p>14 -v-) CAUSE NO.</p> <p>15) 1:20-cv-3118-JMS-MJD</p> <p>16)</p> <p>17 INDIANA ELECTION COMMISSION;)</p> <p>18 THE INDIVIDUAL MEMBERS OF THE)</p> <p>19 INDIANA ELECTION COMMISSION,)</p> <p>20 IN THEIR OFFICIAL CAPACITIES;)</p> <p>21 INDIANA SECRETARY OF STATE,)</p> <p>22 IN HER OFFICIAL CAPACITY; THE)</p> <p>23 INDIANA ELECTION DIVISION;)</p> <p>24 AND THE CO-DIRECTORS OF THE)</p> <p>25 INDIANA ELECTION DIVISION, IN)</p> <p>THEIR OFFICIAL CAPACITIES,)</p> <p>Defendants.)</p> <p>Job No. 168637</p> <p>The Zoom deposition of SETH COOPER, taken in</p> <p>the above-captioned matter, on January 18, 2022, and</p> <p>at the time and place set out on the title page</p> <p>hereof.</p> <p>It was requested that the deposition be</p> <p>transcribed by the reporter and that same be reduced</p> <p>to typewritten form.</p> <p>Absent a request by the parties or by</p> <p>agreement, the reading and signing by the deponent to</p> <p>the deposition were waived on behalf of all the</p> <p>parties by their respective counsel, the deponent</p> <p>being present and consenting thereto, and/or pursuant</p> <p>to Fed. R. Civ. P. 30(e); and the deposition is to be</p> <p>read with the same force and effect as if signed by</p> <p>said deponent.</p>	<p style="text-align: right;">Page 160</p> <p>1 I do further certify that I am a disinterested</p> <p>2 person in this cause of action; that I am not a</p> <p>3 relative of the attorneys for any of the parties.</p> <p>4 IN WITNESS WHEREOF, I have hereunto set my</p> <p>5 hand and affixed my notarial seal this 24th day of</p> <p>6 January, 2022.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 My Commission expires:</p> <p>15 August 31, 2025</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Job No. 168637</p>